



City Council Agenda Item

City Council Meeting Date: July 2, 2019

TO: Jim Throop, City Manager

FROM: Brian Halvorson, Planning Manager
b_halvorson@ci.lompoc.ca.us

SUBJECT: Consideration of Planning Commission Recommendations for Approval of the Comprehensive Update to Title 17 (Zoning) of the Lompoc Municipal Code; Adoption of Resolution Nos. 6258(19) and 6259(19); Introduction of Ordinance Nos. 1665(19) and 1670(19); Adoption of Addendum to 2030 General Plan Environmental Impact Report

Recommendation:

The Planning Commission (Commission) recommends the City Council take the following actions:

- 1) Receive and consider the Commission recommendations;
- 2) Hold a public hearing;
- 3) Review Draft Title 17 Zoning (including all redlines) of the Lompoc Municipal Code (LMC);
- 4) Adopt Resolution No. 6258(19) to repeal the Old Town Specific Plan and remove General Plan text referring to the Old Town Specific Plan (Attachment 1);
- 5) Adopt Resolution No. 6259(19) (Attachment 2) 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 Office Commercial (OC) to Medium Density Residential (MDR); and
 - (b) Change the General Plan map designation of a portion of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from OC to High Density Residential (HDR);

- 6) Introduce through first reading by title only with further reading waived, Ordinance No. 1665(19) (Attachment 3), which will:
 - (a) Change the Zoning Map designation for one parcel (APN: 085-150-089) at the northwest corner of Seventh Street and Cypress Avenue from Commercial Office (CO) to Medium Density Residential (R2); and
 - (b) Change the Zoning Map designation of a portion of one parcel (APN: 085-150-090) at the southwest corner of Seventh Street and Ocean Avenue from CO to High Density Residential (R3);
- 7) Introduce through first reading by title only with further reading waived, Ordinance No. 1670(19) (Attachment 4), which will:
 - (a) Delete LMC section 10.28.150 relating to permit requirements for commercial vehicles used for solicitation of patronage;
 - (b) Delete the CO designation from the City's zoning map and Zoning Code, rename the C2 (Central Business) zoning designation to CB (Central Business), rename the T (Mobile Home Park) zoning designation to MH (Residential Mobile Home Park);
 - (c) Revise Architectural Guidelines Section IB to be consistent with the updated Zoning Code regarding major architectural design and site development review;
 - (d) Add the Planned Development, Special Event, and H Street Overlays;
 - (e) Rescind the locational restrictions on cannabis uses contained in Title 9.36 and incorporate its provisions into the Zoning Code;
 - (f) Rescind Commission Resolution No. 88-67 regarding the use of metal storage containers;
 - (g) Adopt the comprehensive update to Title 17 (Zoning Code "Clean Copy") of the LMC; and
 - (h) Adopt the Sixth Addendum to the 2030 General Plan Environmental Impact Report; or
- 8) Provide other direction.

Background:

On February 19, 2019, the City Council reviewed the comprehensive update to LMC Title 17 (Zoning) (Update). At that meeting the City Council provided comments and expressed concerns regarding the Update and directed staff to return remaining items back to the Commission related to spot zoning, Minor Use Permits (MUPs) for restaurants in the Industrial zoning districts, safe parking, striping permits, Conditional Use Permits (CUP) for any land use, storage containers, Special Event Overlay and accessory uses in the Industrial zoning districts. [For reference, see Attachment 5, which consists of Commission Resolutions 904 (19), 905 (19), 906 (19).]

At the conclusion of that meeting, the following actions were taken by the City Council:

- Adoption of Resolution No. 6238(19) to delete the OC designation from the City's Land Use Map, delete text references to that designation in the General Plan and change the map designation of 25 parcels west of A Street from OC to General Commercial (GC);
- Adoption of Resolution No. 6239(19) changing the General Plan map designation of 36 parcels east of A Street from OC to GC;
- Associated Ordinances 1663(19) and 1664(19) to change the zoning of the above 25 and 36 parcels were introduced (with further reading waived).

The City Council emphasized additional review by the Commission for the Special Events Overlay, H Street Overlay, and all items which would be considered business friendly should be considered before the Update was to be returned to the City Council on May 21, 2019.

On March 19, 2019, the City Council adopted Ordinance No. 1663(19) to change the Zoning Map designation of 25 parcels west of A Street from CO to Planned Commercial Development (PCD) and Ordinance No. 1664(19) to change the Zoning Map designation for 36 parcels east of A Street from CO to PCD.

On April 2, 2019, the City Council also adopted an Ordinance and Policies to address Small Cell Wireless Facilities in the Public Right-of-Way. Therefore, proposed Zoning Code redlines (Section 17.4.04.200(B)(2)) have been revised to reflect the recently adopted Ordinance, which requires that facilities located in the public right-of-way comply with the requirements of Chapter 12.38 (Wireless Telecommunications Facilities in the Public Right-of-Way). The proposed change to that section of the Draft Zoning Code is also reflected in Commission Resolution 907 (19) (Attachment 6.)

On April 10, 2019, the Commission reviewed the Draft Zoning Code based on direction given by the City Council. Recommendations were formulated and are described in the discussion below.

Discussion:

The first Draft Zoning Code was distributed to the City Council on August 3, 2018 (July/2018 Public Hearing Draft). There are three redline documents attached to the staff report that have been created in order to present changes to the Zoning Code that have occurred over the length of the Update. For example, Redline #1 (Attachment 7) shows redlines of all changes from the original July/2018 draft. Redline #2 (Attachment 8) includes all changes from the original July/2018 draft but only shows redlines of the changes made after the February 19, 2019 City Council hearing. Lastly, a “Clean Copy” (Attachment 9) of the Zoning Code includes all changes from the original July/2018 draft but changes are not shown as redlines. Based on City Council direction, three versions of the Zoning Code have been provided to help decision makers (and the public) better understand the changes that have been made to the Zoning Code as a result of seven public hearings.

Additional items, which are not reflected as redlines (such as a definition for Special Event), require more discussion by the City Council based on public input, staff research, or for code consistency. (See Attachment 10 containing comments received from the public.)

The following eleven recommendations were made by the Commission on April 10, 2019, and are shown in ***bold italic*** text below).

Planning Commission Recommendation:

Metal Storage Containers (Recommendation: Allow as a permitted use in the Commercial and Industrial/Business Park zones, as a temporary use in Residential zones, include the recommendations from Mr. John Linn including rescinding Planning Commission Resolution 88-67 and allow staff the ability to include detailed requirements/restrictions.)

Currently, metal storage containers are not allowed permanently (unless with an approved CUP or Development Plan) and require a Temporary Use Permit (TUP) as required in Commission Resolution 88-67. In order to create new regulations in the Update and allow metal storage containers permanently in non-residential zoning districts, the Commission recommended rescinding Planning Commission Resolution 88-67. Although the Commission did not recommend precise code language addressing metal storage containers, their recommendation incorporated public comments from John Linn (Attachment 11), and staff has created draft standards (Attachment 12) based on the Commission recommendation, for City Council consideration. The draft standards should not be interpreted as the Commission’s word-for-word recommendation but instead as an aid to the City Council in determining appropriate regulations for metal storage containers.

The goal is to encourage property owners to construct permanent structures after obtaining a building permit. A permanent structure will provide suitable long-term space for any use when built to meet applicable Zoning, Building and Fire Codes.

The aesthetics of the City will also be improved when structures are appropriately built by a design professional and licensed contractor. Staff recognizes there are challenges and significant costs in building permanent structures. Therefore, allowing metal storage containers on a permanent basis (non-residential zones) and temporary basis (any zoning district) provides additional options for businesses prior to building and occupying permanent structures on a given site.

Planning Commission Recommendation:

Accessory Uses in Industrial Zones (Recommendation: Include wine tasting and associated marketing in the definition for accessory use and define accessory use as to not exceed 49% of the primary use (floor area) allowed in the Industrial and Business Park zones, which must be 51%.)

Since wine tasting is already described in the definition of a winery in the Update (and is not allowed as a primary use in the industrial zones), staff recommends that instead of including wine tasting and associated marketing in the definition of accessory uses, placing the language in the definition of a winery would be more appropriate. Therefore, staff recommends the following revised definition for winery:

Winery. A bonded establishment primarily used for the purpose of processing grapes or other fruit products, including but not limited to, crushing, fermenting, blending, aging, storing, bottling, wholesale sales, and retail sales. Accessory uses, such as **marketing activities** and **wine tasting** rooms, which meet all applicable California Department of Alcoholic Beverage Control regulations, are included in this definition.

In terms of changing how accessory uses are defined, it is important to note that the second part of the “Winery” definition above, and defining accessory uses to be up to 49% of the floor area, may give the public the impression that accessory uses such as marketing activities or wine tasting rooms are legal at a winery if the size of the accessory use is up to 49% of the floor area. That is not the case. All accessory uses must comply with the Building Code and Fire Code, even if the City’s zoning code allows the accessory use.

Based on the impression the Planning Commission’s recommended definitions may give, and the need to preserve public health/safely, staff recommends the City Council consider the following options when addressing the topic of accessory uses in the Zoning Code:

Option #1: Align the Zoning Code with the Building/Fire Code to ensure the Zoning Code does not give the impression that accessory uses may exceed what is allowed by the Building/Fire Codes.

Option #2: For accessory uses that exceed 10%, require additional review (through the Business Tax Certificate or with a separate fee) by Planning, Building and Fire Departments to ensure that necessary separations and safety measures are in place before an accessory use that is more than 10% is legally established.

Option #3: Keep the Commission recommendation, which appears to allow accessory uses up to 49%, even though such uses could trigger the requirement for a building permit, which may include making improvements to the building to meet Building and Fire Codes.

Option #1 has met the most opposition from the wine industry as a “non-business friendly” option due to costs associated with improvements required to separate uses. Further, adding every detailed requirement of the Building Code into the Zoning Code is not recommended by staff.

Option #2 may be feasible but would rely on business and property owners to initiate City review (such as review of a preliminary building floor plan) even if no construction is proposed. On the other hand, if a new business wants to open in the City, a Business Tax Certificate (BTC) is already required and the floor plan review can occur during the application review period at minimal cost (only the cost to process the BTC) to the applicant.

Of these options, Option #3 is the most “business friendly” but would give the public the impression that accessory uses up to 49% of the floor area are allowed, when in actuality such uses may only be allowed upon obtaining a Building Permit and making improvements to the building to meet Building and Fire Codes. In addition, uses may be established without review by the appropriate departments and therefore may not comply with required Building/Fire Codes.

Staff recommends the City Council look at all options, but place a priority on maintaining and preserving public health and safety. In all options described above, it is important to emphasize that a building permit may be required when establishing accessory uses and each use must be analyzed on a “case by case” basis whenever a use is changed for a given space.

Planning Commission Recommendation:

Special Event Overlay (Recommendation: Allow Annual Temporary Use Permits for Special Events with no limit on the number of events per year.)

The Commission recommended more flexibility in the Update for Special Events in the Special Event Overlay through the review of an annual TUP, which does not restrict the number of events¹. For example, a requirement for limiting an event per building (or per tenant) was also recommended to be eliminated in the Update. The Commission also stressed the importance of reviewing attendance (specifically the number of attendees at an event), event hours of operation, music components, and whether the event is indoors/outdoors, during the review process of a TUP. It should be noted that a definition for a “Special Event” was not determined (and not included in the Update) but staff believes a definition should be considered, although a definition was not part of the Commission recommendation.

¹ Previously recommended to be limited to four events per calendar quarter.

Planning Commission Recommendation:

Floor Area Restriction to Food Service (Recommendation: Remove the 749 square foot floor area restriction related to Food Service in the Industrial and Business Park zones.)

On July 17, 2018, the City Council approved a provision in the Zoning Code to allow food services (not restaurants) in the Wine Ghetto with a Special Use Permit. Due to Building/Fire Code restrictions, the area devoted to food services must be limited to 749 square feet. The provision in the Update is a carry-over from that past approval. The Commission recommended removing that restriction from the Update, shown as Footnote 2 associated with Table 17.2.16.030.A. If that requirement is removed from the Zoning Code, then it is important to note that respective Building/Fire Codes would still apply – that is, food service would still be limited to 749 square feet.

In light of the City Council and Commission recommendations to allow restaurants in the Industrial and Business Park zones, staff also recommends changing the Food Service use from a Supplemental Use Permit (SUP) to a Permitted use in those zones since a restaurant is a more intensive use than food services. If the City Council directs, then staff will make the change to the Zoning Code prior to final adoption.

Planning Commission Recommendation:

Conditional Use Permits (Recommendation: Allow the Commission to issue a CUP for any use that meets certain findings.)

Specifically, the Commission recommended the CUP process that currently exists in the Zoning Code be incorporated in the Update.

Currently, most chapters in the current Zoning Code (in most zoning districts) include the following language: “None but the following uses, *and those similar uses which the Planning Commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or detrimental to the public welfare, and which are of a comparable nature and of the same class enumerated in this Section*, shall be permitted subject to obtaining a use permit.” That language is followed by a list of uses. Exceptions to that language are in the Old Town Commercial district (LMC 17.052), Mixed Use district (LMC 17.056), and the Mobile Home Park district (LMC 17.060), which each include only a list of conditionally permitted uses, and do not include the italicized language above.

In addition, LMC 17.144.020 states: “Uses which the Community Development Director determines to be similar to the permitted or conditional uses in each district and which fall within the intent and purpose of the district, and that will not be obnoxious or detrimental to the public welfare, and which are of a comparable nature and of the same classes as the uses enumerated for said district, shall be allowed as permitted or conditional uses therein. The Community Development Director may also consider and render decisions on matters of slight modification and minor adjustment deemed necessary in connection with the efficient administration of the Zoning Ordinance.”

Moreover, LMC 17.144.030 states: *“Whenever the Zoning Ordinance provides for a decision, interpretation, or other action by the Community Development Director, any person affected thereby may appeal said action in accordance with Section 17.006.020.”* LMC 17.006.020 provides for appeal to the Commission.

Lastly, LMC 17.124.020 defines a CUP as a discretionary permit issued by the Commission and required findings for approving a CUP are stated in LMC 17.124.060.

After staff reviewed the Update and following receipt of the Commission recommendation, staff recommends not changing section 17.5.20.050 in the Update. The Update requires a finding that the “proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan,” which is not explicitly required by the current Zoning Code. However, that is a requirement of state law, so it should remain (Government Code section 65860).

In short, staff recommends that the City Council:

- Delete 17.1.08.030.D. It is confusing to have this provision in Chapter 17.1.08. Instead, it should go in the section on use permits (17.5.20). In addition, the remaining sections in 17.1.08.030 would be re-lettered.
- Add a new Section 17.5.20.050 and renumber current subsections 050 and 060 to 060 and 070, respectively. New Section 17.5.20.050 should be titled “Allowable Uses of Land” and should read:
 - A. Additional Uses Allowed With Conditional Use Permit.
The Commission may issue a conditional use permit for any use not explicitly permitted with a conditional use permit in Division 17.2 (Zones), if the Commission makes all of the findings required in Section 17.5.20.060 and finds (a) that the use will not be more obnoxious or detrimental to the public welfare than any other use explicitly permitted with a conditional use permit in the same zone, and (b) that the use is of a comparable nature to a least one use explicitly permitted with a conditional use permit in the same zone.
 - B. Additional Uses Allowed with Minor Use Permit.
The Director may issue a minor use permit for any use not explicitly permitted with a minor use permit in Division 17.2 (Zones), if the Director makes all of the findings required in Section 17.5.20.060 and finds (a) that the use will not be more obnoxious or detrimental to the public welfare than any other use explicitly permitted with a minor use permit in the same zone, and (b) that the use is of a comparable nature to at least one use explicitly permitted with a Minor Use Permit in the same zone.

Lastly, all references in the Update to 17.1.08.030.D are recommended by staff to be changed to 17.5.20.050. Those changes are not shown in any of the redlines and if the City Council directs, then staff will make the necessary changes prior to adoption.

These changes will allow a CUP to be issued for any use in any zone in the City, as long as the required findings can be made, including a finding that the use is consistent with the City's General Plan.

Planning Commission Recommendation:

Public Comments from Mr. John Linn (Recommendation: Consider Mr. Linn's comments and suggestions along with recommendations from staff.)

As requested by the Commission, staff has reviewed public comments by Mr. Linn (Attachment 13) and also met with Mr. Linn for clarification on his comments. Following staff review of each comment, a number of comments are noted as recommended to "change" in the proposed code as shown in a mark-up set of those comments (Attachment 14). Staff remains available to discuss or answer questions relating to any of the comments and the mark-up copy with staff recommendations.

Planning Commission Recommendation:

Parking Lot Striping Permits (Recommendation: No permit required unless there is a substantial change to the parking format or a reduction in the number of parking spaces.)

The most current Master Fee Schedule (effective September 1, 2018) includes, under the "Review Services" section, a Parking Lot Review Permit, which is required when there is a change or modification (for example, a re-stripe or new construction) to a parking lot. In the past, there have been discussions about when a permit would be required for existing parking lots and the need for more flexibility in terms of required permitting for re-striping an existing parking lot.

After reviewing the proposed zoning code and presenting the following wording, the Commission recommended that the following code language be incorporated into the Parking Standards section (17.3.08) of the proposed code:

"The re-striping of any parking lot that substantially changes the existing parking layout or results in a lesser number of spaces, shall require a striping permit approved by the Community Development Department."

Incorporating the above code language into the Zoning Code would provide more flexibility in administering the Parking Lot Review Permit requirements and would not trigger a striping permit when private property owners are completing routine maintenance (re-striping). It would only apply to existing parking lots where re-striping would result in modification of layout or reduction of spaces.

Planning Commission Recommendation:

Spot Zoning (Recommendation: Do not include a definition of Spot Zoning in the proposed Zoning Code.)

Spot zoning is a legal concept and its practice can be either legal or illegal depending on multiple factors discussed in California case law. In short, spot zoning is the granting to a particular parcel of land a classification concerning its use that differs from the classification of other land in the immediate area. The Update does not mention the term “spot zoning” or its derivatives since the concept of spot zoning is (i) already defined in state law, and (ii) is subject to evolving interpretations as case law develops. On February 19, 2019, the City Council recommended that a definition for Spot Zoning be considered by the Commission.

The Commission considered adding that definition to the Update, but recommended against it (therefore, it does not appear in the redlines).

Planning Commission Recommendation:

Restaurants in the Industrial Zones (Recommendation: Allow restaurants as a “Permitted” use in the Industrial and Business Park zones.)

As shown in the Update, a Minor Use Permit (MUP) was required in order to establish a restaurant use in the Industrial or Business Park zoning district where restaurant uses have never been allowed before. The MUP requirement was primarily due to the fact that those areas of the City were not originally planned (limited parking, smaller water/sewer lines, etc.) for restaurant uses. Therefore, by introducing a new use there was a need to have additional review by various departments prior to submitting a building permit.

However, the Commission recommends that use be allowed as a “Permitted” use by right and therefore an MUP would not be required. (However, a building permit would still be required to establish that use.) This recommendation is reflected in Red-Lines #2 (Attachment 7). It is important to note that during the building permit process significant issues (such as large infrastructure upgrades) could come up, which could result in a restaurant project that is not feasible.

Planning Commission Recommendation:

Chain Restaurants (Recommendation: Prohibit large franchise restaurants in the Industrial and Business Park zones with an amendment to Footnote 3.)

During consideration of the Update at Commission public hearings, the Commission recommended prohibiting “chain” restaurants (also known as “Formula Restaurants”²) in the Industrial and Business Park zones in order to maintain the unique character of the area of those districts.

² 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.

Specifically, the unique wine tourism experience and atmosphere of the winery and wine tasting areas could be adversely affected by the presence of Formula Restaurants. Standardized Formula 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.

The Commission wanted to further refine Footnote 3 in Table 17.2.16.030.A, which defines that type of restaurant as they thought the language was too narrow. The specific amendment would read: *"A restaurant which has 10 or more standardized locations worldwide is not allowed. Standardized includes any of the following: standardized menus, ingredients, food preparation, decor, uniforms, or similar standardized features."*

Planning Commission Recommendation:

Minimum Building Height (Recommendation: Remove requirement for minimum building heights.)

The Update includes minimum building height requirements in order to facilitate the highest and best use for a given piece of property. The Commission determined this requirement was too strict and recommended that only a "maximum" building height be included, which is the current development standard type in the City's existing zoning code.

The following recommendation was not the recommendation of the Commission:

Staff Recommendation:

Cypress Court General Plan/Zoning Changes (Staff Recommendation: Amend the General Plan and Zoning designation to Mixed Use – MU.)

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, currently has a General Plan designation and Zoning designation of OC and CO, which allows multi-family uses. The Commission has recommended this site be changed to a MDR and rezoned to R-2, which would allow a maximum of six units. In addition, the Commission also recommended that the property located at 125 South 7th Street (currently the Cypress Court Senior Apartments) be changed to HDR and R-3, which are the corresponding General Plan and Zoning designations to allow for High Density Residential uses.

The property owner has submitted a letter (Attachment 15) stating that if the General Plan and Zoning was changed for both sites (the vacant site and the improvement site) it would cause undue hardship in their ongoing management of the Cypress Court Senior Apartments and in the creation of new affordable housing planned at 1401 East Cypress Avenue.

Based on further review of both sites, staff recommends both properties be zoned Mixed Use (MU) in order to prevent the creation of non-conforming development standards (i.e.: building height, allowable building density) and promote applicable General Plan housing element policies/goals. Table 1 below is a comparison of the Commission and staff recommendations.

Table 1
 Proposed General Plan / Zoning Changes

Recommendation	Cypress Court Senior Apartments 125 South 7 th Street 60 existing senior units	Cypress Avenue Vacant Property 1401 East Cypress Avenue 15 affordable units proposed
Planning Commission	HDR / R3 (High Density)	MDR / R2 (Medium Density)
Staff	MU (Mixed Use)	MU (Mixed Use)

If the City Council agrees with the staff recommendation above, then a revised Resolution and Ordinance with new recommendations and findings will be brought back to the City Council. If the City Council agrees with the Commission recommendations, then no change is needed as the recommendations are presented in Resolution No. 6259(19) and Ordinance No. 1665(19) (Attachments 2 and 3).

Cannabis Locational Restrictions

Currently, locational restrictions applying to cannabis are contained within LMC Title 9.36 (Cannabis Uses). Those restrictions are suitable to incorporate into Title 17 (Zoning). Therefore, as part of the 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 Update.

Follow-up Items

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 it to the Commission and City Council following adoption of the new Zoning Code.

At this time, as part of Ordinance No. 1670(19), Section IB of the City's Architectural Review Guidelines (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 Commission, is proposed to be amended and replaced with revised guidelines consistent with proposed changes to the Zoning Code (Section 17.5.12.030A) in order to add flexibility. That flexibility would include 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 Commission. That change will allow smaller projects to have a streamlined review at the Director level.

Noise Ordinance

The City's Noise Ordinance is located in LMC Title 8 (Health and Safety). Chapter 8.08 covers general and specific regulations related to noise. During public workshops, a desire was expressed 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 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 16.

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. (Attachment 17 will be available at the public hearing.)

Fiscal Impact:

Funding for the Update was approved by the City Council on July 7, 2015. Following funding approval, consultant services by 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 \$366,983.34 for work performed on the project. Therefore, \$29,311.66 remains in the original budget. The tasks remaining for the 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 Update.

Conclusion:

Based on strong public participation, outreach, numerous hearings and workshops that occurred during the Update, staff recommends adoption of the new Zoning Code, which complies with Federal and State Laws, is user-friendly, provides more flexible and streamlined modern regulations, implements 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 MANAGER:

Christie Alarcon, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

- Attachments:
- 1) Resolution No. 6258(19)
 - 2) Resolution No. 6259(19)
 - 3) Ordinance No. 1665(19)
 - 4) Ordinance No. 1670(19)
 - 5) Planning Commission Resolution Nos. 904 (19), 905 (19), 906 (19)
 - 6) Planning Commission Resolution No. 907 (19)
 - 7) Zoning Code Redlines #1 (All changes)
 - 8) Zoning Code Redlines #2 (Changes made after February 19, 2019)
 - 9) Zoning Code "Clean Copy" (All changes but not shown as redlines)
 - 10) Comments Received from Public
 - 11) Comments from John Linn (Metal Storage Containers)

- 12) Draft Staff Recommendations (Metal Storage Containers)
- 13) Supplemental Comments from John Linn and Staff Responses
- 14) Staff Recommended Changes to John Linn Comments (mark-up)
- 15) Letter from Housing Authority of Santa Barbara County
- 16) 2030 General Plan Environmental Impact Report Addendum
- 17) 2030 General Plan EIR (copy available at public hearing)