



City Council Agenda Item

City Council Meeting Date: September 17, 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 No. 6258(19); Introduction of Ordinance No. 1670(19) and Adoption of an Addendum to the 2030 General Plan Environmental Impact Report

Recommendation:

The Planning Commission 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 (including all redlines) of the Lompoc Municipal Code (LMC) (Attachments 7, 8, and 9)¹;
- 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 and revisions to the General Plan Land Use Element Implementation Measure 23 relating to orientation of parking (Attachment 1);
- 5) Introduce through first reading by title only with further reading waived, Ordinance No. 1670(19) (Attachment 2), which will:
 - (a) Delete LMC section 10.28.150 relating to permit requirements for commercial vehicles used for solicitation of patronage;

¹ For consistency of review, zoning code documents made a part of the June 18, 2019, staff report packets will be used again for review at this meeting as shown in Attachments 7 (Redlines #1, all changes), 8 (Redlines #2, changes made after February 19, 2019) and 9 (Clean Copy, all changes but not shown as redlines). Until the City Council adopts the final new zoning code, no additional changes (unless directed to do so) will be made to the draft code.

- (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 Overlay and H Street Overlay;
 - (e) Rescind the locational restrictions on cannabis uses contained in LMC Chapter 9.36 and incorporate its provisions into the Zoning Code;
 - (f) Rescind Planning 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 (Update); and
 - (h) Adopt the Sixth Addendum to the 2030 General Plan Environmental Impact Report (EIR); or
- 6) Provide other direction.

Background:

The City Council has made significant progress (such as re-zonings for properties along East Ocean and Seventh Street/Cypress Avenue) towards the adoption of a new Zoning Code through a series of five public hearings (most recently on August 6, 2019). Some items (i.e. Special Event Overlay and H Street Overlay) were returned to the Planning Commission and then brought back to the City Council for further review and consideration. At each meeting, Planning Commission recommendations and public input were considered by the City Council.

Discussion:

At the August 6, 2019, meeting, the draft Zoning Code and Planning Commission recommendations (Attachments 5 and 6) were considered by the City Council. Specifically, eleven Planning Commission recommendations (see Attachment 3) were reviewed and voted on. Some of the Planning Commission recommendations were accepted "as is" while others were recommended with revisions or with direction to complete additional follow-up with a recommendation.

The City Council decided to implement the following Planning Commission recommendations without the need for additional follow-up:

- Amendments to Architectural Guidelines (Consistency with Draft Zoning Code)

The draft Zoning Code provides flexibility in review that the architectural guidelines do not have (such as exceptions for additions to existing buildings that do not exceed 2,500 square feet). Therefore, both the Zoning Code and guidelines should be consistent or the more stringent architectural guidelines would control.

- Cannabis (Incorporating Locational Requirements into Draft Zoning Code)

Cannabis land uses and permit requirements are usually found within zoning but are currently located in LMC Chapter 9.36. Therefore, it is recommended the locational land use provisions be incorporated into the new Zoning Code (LMC Chapter 17).

- Conditional Use Permits (For any Land Use That Meets Certain Findings)

To provide a permitting process for uses that are not explicitly listed in the Zoning Code land use tables (but are consistent with the intent/purpose of the General Plan designation), the Zoning Code would be amended to allow any use that meets certain findings.

- Accessory Uses in Industrial Zones (Allow up to 49% Accessory Uses With Wine Tasting Rooms Occupying 100% Of Floor Area With No On-Site Production)

The City Council was presented three options and this option was preferred in order to allow maximum flexibility for accessory uses and wine tasting rooms. It is important to note that this percentage is significantly different (higher) than Building/Fire Code requirements and those codes would still apply for any accessory use. In addition, parking requirements will limit the size of a tasting room, which may not allow the use to reach 100% depending on the amount of parking provided at a particular location.

- Restaurants in Industrial Zones (Change from MUP to Permitted Use in Industrial Zones)

The recommendation from the Planning Commission was to allow this use with a MUP in order to condition potential infrastructure requirements that may be required in an area that was not previously planned for restaurant uses. This change can be accommodated if a note to the use table describing that adequate infrastructure/utilities will be reviewed/required during a building permit plan check is included.

Based on the above changes directed by the City Council at the August 6 hearing, the Zoning Code will be updated and brought back for second reading with the changes shown above, as well as any other changes made by the City Council tonight.

Planning Commission recommendations that were revised upon further discussion and consideration by the City Council at the August 6 meeting included the following:

- Public Comments from John Linn (Confirmed Staff Recommended changes with the exception of Comment No. 27 of John Linn's comments [Attachment 14]).

The City Council agreed with staff recommendations but it was clarified that Comment No. 27² cannot be changed since this was required as part of a mitigation measure from the General Plan Update Final EIR.

- H Street Overlay Uses (Consistency with recently approved Land Use Changes).

Recent code revisions approved by the City Council (or through the State of California) such as animal raising, residential care homes, cannabis, and Accessory Dwelling Units, would be allowed uses in the H Street Overlay, which are not currently shown in the Draft Zoning Code.

- Pharmacy/Dry Cleaning & Processing Uses (Pharmacy to be replaced with Dispensary in Mixed Use (MU) District and Dry Cleaning & Processing to be allowed as Permitted in CB District).

Currently, in the MU District, the Draft Zoning Code lists a Pharmacy as a permitted use based on terminology approved for Cannabis uses in LMC Chapter 9.36. This use would be changed to "Dispensary" to more appropriately describe this use in the new zoning code. In addition, Dry Cleaning/Processing uses (shown as a prohibited use) would be changed to a Permitted use in the Central Business District, although it should be noted that if a property is located in the H Street Overlay, this use is not listed, and therefore would not be allowed (General Plan EIR Mitigation Measure AQ-2(b) prohibits dry cleaning facilities in mixed-use developments).

- Veterinary Clinics and Hospitals (Allow as a Permitted Use in the Old Town Commercial District and H Street Overlay District).

As the Zoning Code is currently drafted, this use is prohibited in both the Old Town District and H Street Overlay District. This topic received interest from the public (Attachment 4) and in order to provide more flexibility in uses, the City Council recommended revising the Zoning Code to allow this use as a permitted use in both Districts.

² LMC subdivision 17.3.04-162C, required noise barriers for exterior noise generating equipment for commercial uses located in mixed-use developments.

- Metal Storage Containers (Permanent Containers, Residential Districts and Container Size Limit).

Staff drafted recommended standards to address temporary and permanent placement of storage containers. The City Council agreed with most of the draft standards (Attachments 10-14) but with the following changes:

- Limit container size to 14 feet or 120 square feet.

For All Zones (excludes Residential):

- Instead of a standard of adhering to the architectural guidelines, painting to match was instead acceptable.
- Allow 5 containers/acre (instead of 1 per parcel or business).

For Residential Zones:

- Temporary containers do not need to adhere to accessory structure standards.
- Permanent containers would be allowed but must adhere to accessory structure standards.
- Churches in residential zones would be allowed to have permanent containers.

As a follow-up item directed by the City Council (in response to public comments as shown in Attachment 4), staff completed the following review and analysis regarding parking for self-storage uses:

- Parking Requirements for Self-Storage (Mini-Storage)

Based on the Draft Zoning Code, parking requirements (subdivision 17.3.08.040.A) for self-storage uses (included under the Industrial, Manufacturing, Processing, and Wholesaling Use Types) and public comment received, staff determined that the amount of parking required in the Draft Zoning Code does not appropriately address modern parking demands (i.e., very low parking demand without the need for standard large parking lots) for this type of land use.

In the Draft Zoning Code the required parking ratio for this type of use is:

1 space per 2,000 square feet of indoor area + 1 space per 2,000 square feet outdoor area + 1 space per 300 square feet of accessory office or business area.

After completing research and reviewing parking requirements of other nearby cities, staff recommends lowering the parking requirement to:

1 space for every 25 interior storage units + 1 space per 300 square feet of accessory office or business area. Units with direct exterior access do not require additional parking. An on-site caretaker unit shall provide 2 covered spaces (within a garage or carport).

The recommended parking ratio would address appropriate parking demands (based on trip generation studies in the ITE traffic manual) and provide more flexible parking requirements without the unnecessary construction of large parking areas. If the City Council agrees with this revision, then the Zoning Code will be updated to reflect this change.

- Orientation of Parking Along H Street (Urban Form)

The City Council discussed the requirement to orient parking at the rear of buildings along H Street and expressed that this may not always be desired (such as when the rest of the developed area has parking in the front). Therefore, staff has placed language in the adopting Resolution that would amend General Plan Land Use Element Implementation Measure 23 as follows:

From: *The City should develop strategies to improve the urban form of the H Street Corridor. Require new development to place buildings adjacent to H Street with parking areas behind.*

To: *The City should develop strategies to improve the urban form of the H Street Corridor. ~~Require~~ Therefore, encourage new development to place buildings adjacent to H Street with parking areas behind.*

The revision above to this implementation measure would allow more flexibility in urban form and take into consideration surrounding building and parking lot configurations that may not be compatible with buildings adjacent to H Street and/or parking situated to the rear of each new development. This amendment would allow each development to be reviewed on a case-by-case basis and “encourage” but not require a particular urban form along H Street.

The following items are to be removed from the Zoning Code:

- Special Event Overlay

Due to the need for further review and outreach to the community, it was decided by the City Council to remove the **Special Event Overlay** from the Zoning Code. Therefore, at a later date this topic will be brought back to the Planning Commission and City Council as a recommended code amendment.

This will allow the City to meet its goal of adopting a new Zoning Code within budget while providing important new input from the community, building consensus and the creation of regulations that are enforceable while preserving public health/safety.

The following Planning Commission recommendations were mentioned in the August 6, 2019, staff report but did not receive a specific discussion from the City Council:

- Floor Area Restriction for Food Service (Recommendation: Remove the 749 square foot floor area restriction related to Food Service in the Industrial and Business Park zones.)
- 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.)
- Spot Zoning (Recommendation: Do not include a definition of Spot Zoning in the proposed Zoning Code.)
- Chain Restaurants (Recommendation: Prohibit large franchise restaurants in the Industrial and Business Park zones with an amendment to Footnote 3.)
- Minimum Building Height (Recommendation: Remove requirement for minimum building heights.)

As part of the staff presentation for this meeting, these specific recommendations will be brought up again in an effort to receive direction and consensus for moving forward with making any changes to the Draft Zoning Code prior to its adoption. (For a full discussion of the above recommendations, refer to Attachment 3.) As a reminder, the City Council can still consider other changes to the Zoning Code that are not reflected in the items discussed above, draft redlines or the draft Resolution/Ordinance.

Environmental Review:

The City Council certified the Final EIR (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.

At the August 6, 2019, City Council meeting, two changes were considered. Those changes related to restaurant uses in Industrial Zones and revising General Plan Implementation Measure 23 regarding building placement with parking required behind buildings on H Street.

For restaurants, the requirement for a Minor Conditional Use was changed to a Permitted Use, which would allow restaurants in Industrial zoning districts with the review of a building permit.

This is considered a minor change as long as the Zoning Code notes that adequate infrastructure/utilities are required. For Implementation Measure 23, not requiring (but instead encouraging) buildings to be placed adjacent to H Street with parking behind is a design preference and not a significant change from an environmental standpoint. Both changes can be accommodated in the existing Addendum (Attachment 16) without the need to re-circulate for additional public review.

The Addendum is the sixth Addendum to the 2030 General Plan FEIR (Attachment 16). As a reminder, 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 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 \$396,294.00. The contract also included required environmental work (EIR Addendum) for the Project with Rincon Consultants, Inc. To date, the City has been billed for \$378,714.65 for work performed on the Update. Therefore, \$17,579.35 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, 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) Ordinance No. 1670(19)
 - 3) Staff Report from August 6, 2019 (No Attachments)
 - 4) Comments Received from August 6, 2019 Council Meeting
 - 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 – **Not included, addressed at the July 16, 2019 City Council Meeting**
 - 16) 2030 General Plan Environmental Impact Report Addendum #6 (dated September 2019) (copy also available at public hearing)
 - 17) 2030 General Plan EIR (copy available at public hearing)