

## Executive Summary

- o Happy to see restaurants as a permitted use in the wine overlay zone in the draft ordinance
  - » Need to remove the 1000 sq ft limitation
    - o Unlikely to be financially viable for a new restaurant to make the investment
    - o Have proposed a new constraint to address the concern of too many restaurants
  - » Recommend limiting restaurants to the wine overlay zone
- o Need to add a section that frees the wine industry from mobile food constraints so pop up kitchens and food trucks are only constrained by health and safety rules.
- o Need to eliminate the constraint on tasting room size to the 15% limited accessory use.
- o The Special Event Overlay Zone (see map) should include outdoor space controlled by the winery. Example - fenced in outdoor space and outdoor areas already approved for tasting and use by the city and the ABC (Alcohol Beverage Control). These areas have already been reviewed and approved for building code, fire and other city concerns

## Remove 1000 sq ft limitation on restaurants in the wine overlay zone

We were happy to see that restaurants are now a permitted use, as this was something that was very clear the vast majority of customers, winery owners and citizens wanted restaurants in the wine overlay zone during previous open meetings on this topic. We do not think allowing restaurants in all industrial zones makes sense (see below for details) We do not agree with or understand the limitation of size put on restaurants in footnote#1 to table 17.2.16.030.A. Limiting the size of a restaurant to no more than 1,000 sq ft of gross space including outdoor space is not reasonable and will stifle most potential entrepreneurs. Not only is it rare for zoning to limit restaurant size (nowhere else in Lompoc is there a limit) but the limit is likely to stop a restaurant from opening for 2 reasons. First there are very few 1000 sq ft or less spaces in the wine overlay zone (only 4 in the Sobinhi business park) which is where a restaurant would focus its energy and investment due to customer traffic. Secondly the smaller the restaurant the more difficult it is to justify the ROI since many start-up costs would be nearly the same for a small restaurant (1000 sq ft) or a larger one. Our input is do not dictate size of restaurant. The city has many other approvals that would reasonably limit a restaurant for building code issues like parking spaces and restrooms. If too many restaurants in the wine overlay zone is a concern that can't be handled by parking constraints, *we suggest that limiting the % of sq ft in the wine overlay zone that can be converted to a restaurant is a better way to address the concern of too many restaurants. The wine overlay zone has approximately 161,000 sq ft of enclosed space and limiting this to 5% or 8000 sq ft of enclosed space in total should address that concern.*

If someone can and is willing to invest in a restaurant that meets the building code the city should welcome them at any size.

## Recommend limiting restaurants to the wine overlay zone

As part of the Lompoc City planning activity it would be reasonable and beneficial for Lompoc to decide that given the wine overlay zone is where a vast majority of the wine tourism traffic is already and given



the lack of "real" industrial space (industrial space not situated in the middle of a wine tourism zone) that limiting restaurants to the wine overlay zone would make more sense than allowing in all industrial zones. Restaurants should be limited to that zone for two reasons. 1) Pure industrial zoning advocates would typically be interested in being surrounded by other pure industrial uses as noise, parking, rising rents, competition for space and many other issues come into play when tourist zones and industrial zones are mixed together. In the wine overlay zone this transition is nearly complete with wine and wine tourism dominating the sq ft and the remaining non-wine businesses have figured out how to coexist with the wine tourism side. Few if any new industrial businesses have opened in the wine overlay zone in years. We have 3 new businesses that have opened that are complimentary to wine tourism as they saw the value in the customer set. These businesses include wine barrel furniture, a glass blowing art studio and sausage making. We also believe wineries anywhere in the city should be allowed to provide food for their customers, so relaxing mobile food rules would allow this. Of course, all health building and safety codes would need to be followed. There have never been any neighborhood complaints against the wineries in the wine overlay zone. If you look at Paso Robles many wineries have restaurants incorporated into their wineries and as you may know more Southern Californian wine tourists visit Paso Robles for wine tasting than Santa Barbara even given a longer drive. Options for food is part of the reason. Since Lompoc can make their own rules on food within wineries this is a great opportunity to make rules that support the local wine industry growth.

Limiting restaurants to the wine overlay zone would be great for the traditional industrial zone businesses as well as the wine industry and would show the city is making decisions impacting both stakeholders in a thoughtful manner. Keep the rest of the industrial zones more industrial and recognize and support that the wine overlay zone is a tourism zone. If someone wanted to open a restaurant in an incompatible industrial spot the proposed ordinance could not stop this, and neither could the neighbors. Wine tourism with its extra visitors, parking and foot traffic has been incorporated into the wine overlay zone without any complaints from surrounding neighborhoods or existing industrial tenants. There is no guarantee that other industrial areas would incorporate a restaurant without any issues. There are many examples of long running issues the city is arbitrating between neighborhood/homeowners and businesses proactive planning can limit those to some extent. Also the main likely opposition to restaurants in the industrial zones are industrial tenants that are concerned about the possible impact that industrial tenants in the wine overlay zone have seen that they don't want impacting their businesses. Most industrial tenants have left and none are starting new businesses in the wine overlay zone. The limit would eliminate those concerns

#### **Allow mobile food trucks and pop ups without constraints**

Stepping back a moment to look at the big picture of the new proposed zoning ordinance from wine industry point of view, it does not look like a "let's try to help the wine industry grow in Lompoc" view was taken on the ordinance update. There is much talk about the city of Lompoc about being welcoming to the wine industry - this ordinance update is where the city can walk the talk. Currently there is very little change in ordinance that is focused on the wine industry. While there are many great economic growth engines impacting Lompoc, the wine industry has lots of growth potential above its current impact on Lompoc. Just a quick look at most of our neighbors and the Lompoc wine industry is greatly underperforming in terms of visitor count, overnight hotel stays, people relocating due to wine,

etc. These are all areas that could see additional positive economic impact for Lompoc. Buellton, Los Alamos, Funk Zone and others have seen great food become the driver of wine visitors. The Wine Ghetto's #1 complaint (only real complaint commonly voiced) from customers and why traffic is low is lack of food. Most believe that food will unlock the visitor potential as seen by all of our recently successful neighbors whose potential was unlocked via food – Buellton, Los Alamos, Funk Zone. We believe that the new zoning ordinance should not only allow restaurants to open without sq ft constraints it should also remove any constraints on mobile food vendors except safety and health licensing constraints. A combination of mobile and fixed restaurants will attract the most overnight visitors and our hotels and many other businesses outside the wine overlay zone would benefit from those visitors who are typically spending at the higher end of the spectrum vs an average tourist.

#### **Remove tasting room size limits**

Limiting the size of tasting rooms in the Industrial zone does not seem to be reasonable for wine tasting in 2018. There may have been an original goal of limiting wine tourism in the zone a long time ago. But now with the wine overlay zone recognizing that this zone is a tourism zone and given that tasting rooms are not competing with other Lompoc businesses this should be eliminated for wine tasting rooms. This will allow the Lompoc wine industry to compete with the other areas within the Central Coast.

#### **Do not limit the SEO to indoor space only – include outdoor space controlled by winery and previously approved for tasting**

The Special Event Overlay zone should include outdoor space controlled by the winery – owned or leased and fenced in. As currently written it only includes events that are 100% contained inside the building. Example - A fenced in or enclosed outdoor space leased or owned by the winery and already approved for tasting and use by the city and the ABC (Alcohol Beverage Control). These areas have already been reviewed and approved for building code, fire and other city standards. There is no need for a TUP in this case.

Thank you please let me know if you have any questions about our input

Steve Arrowood Montemar and Member of Lompoc Wine Alliance (LWA)

List of wineries and associations supporting this input

Lompoc Wine Alliance

Artisan Uprising

Pall Wine Co

Tower 15

Millennial Wines

Ampelos Cellars

Morretti Wine Co

Fiddlehead Cellars

Turly Wine

Arcadian Winery

Sevta Winery

Sweetzer Winery

Flying Goat Cellars

Bolshoi Family Wines





CITY OF LOMPOC  
PUBLIC REVIEW DRAFT ZONING CODE COMMENT FORM

Date: 3/8/2018

Comment - Please Print Legibly

Ordinance Section(s): 17.2.20

Comment:

It would be a great opportunity for the community as well as the city and local businesses if this ordinance section allowed under 17.2.20 Artisan Manufacturing for micro breweries, winery and tasting rooms where food and banquets may be held in Mixed Use. In addition, it would be further helpful if there was a way to figure out allowances for some form of dry storage in city approved containment units of some sort. As we are sure the city is aware, easily accessible storage for businesses especially in areas like old town and similar, have a very difficult time finding realistic space to house necessary stock, inventory goods, equipment, etc. We assume aesthetics and clutter are of the main concern and we are hopeful the city may be open to creative ideas to resolve this current hardship. Moreover, creating annually updated permits for customer parking in city approved Mixed Use areas would help enhance the ability for customers/tourists to have more parking available than that currently afforded in city/state right of way. These perceptions are made in the best interest of the community as a whole, to provide for economic growth and sustainability. "A rising tide lifts all boats" It is our hope that all businesses as well as the city are afforded every reasonable opportunity to succeed, grow and flourish. We appreciate this opportunity to comment in the public review and thank the city for its consideration.

Topics(s) that were Not Addressed in Proposed Zoning Code:

Comment Submitted By (this section must be completed)

Name: Stephen Renfrow  
Address: 234 North H Street, Lompoc, Ca 93463  
Phone: 805-234-0819 Email: srenfrow@solvangbrewing.com

STAFF USE ONLY

RECEIVED BY: Greg Stones DATE: 03/09/2018

For more information regarding the Draft Zoning Code, please contact:  
Brian Halvorson, Planning Manager at b\_halvorson@ci.lompoc.ca.us or 805-875-8228  
or Greg Stones, Principal Planner at g\_stones@ci.lompoc.ca.us or 805-875-8273

Comments from  
Councilman Mosby

17.1.04.020: Intent and Purpose

- A. The purpose of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, morals, and general welfare of the people of Lompoc, and to that end to effectuate the applicable provisions of the General Plan.

Table 17.2.20.030.A: Other Zones Allowed Uses  
Requirement by Zone

	MU			
Parking lot		(put in P)	P	MUP

- Parking is way to lenient and should resemble existing zoning code.

17.3.8.70

- A. **Off-Site Parking.** A reduction of up to 25% of on-site parking may be approved with a Minor Use Permit provided the number of spaces that is eliminated as an on-site requirement is provided through off-site parking. A reduction of up to 50% of on-site parking may be approved through a Conditional Use Permit in compliance with Chapter 17.5.20 (Conditional and Minor Use Permits). The off-site parking area shall be located within the same block or within 400 300 feet of the use(s).

- 17.3.8.60 provide option for one strip instead of two for parking stalls.

17.6.28.020: Summary Abatement

- A. The City Administrator Manager or his/her designee shall have authority to summarily abate a nuisance that imminently endangers public health or safety. Any such abatement activity is exempt from the notice requirements of this Chapter.

17.2.24.020: Overlay Zones

Remove: H street overlay and references.

- A. ~~H Street Overlay Zone (HSO):~~  
The H Street Overlay (HSO) Zone applies to lots along the H Street corridor



that are anticipated to be redeveloped or developed with commercial, residential, or a mix of uses in buildings and with associated improvements that result in a more attractive built environment that accommodates pedestrians, bicycles, transit, and private vehicles.

**17.2.20.040: Other Zones Development Standards**

Table 17.2.20.040.A: Other Zones Development Standards			
Development Feature	Requirement by Zone <sup>1</sup>		
	MU	RF	OS
<b>Lot Requirements</b>			
Lot Area (min.)	10,000 s.f.	-	-
Lot Width (min.)	75 ft.	-	-
Lot Depth (min.)	-	-	-
<b>Setbacks</b>			
Front (min.)	-	15 ft. <sup>2,3</sup> -5	-
Side - Interior (min.)	-	40 ft.-5	-
Side - Street (min.)	-		-
Rear (min.)	10 ft. <sup>4</sup>		-

April 20, 2018

Comments on Draft Zoning Code  
Cherridah Weigel

17.2.08.030 B

Table

Home Occupations MH – not permitted

We currently process HUP's within MH parks with property owner or park manager permission. Is this something we are changing? If not this should read AUP like the other Zones.

17.4.04.100 D

- 1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.***

The above statement is currently on the conditions for the HUP and it not in Draft ZO, should be added.

17.4.04.100 E17 End of statement – any food preparation **or (not of)** packaging activity.

17.5.52.20 A Permit & Approvals – AUP's, MUP, Minor Mods, Sign Permits, and TUP are typically issued and an event or work is started within a day or two. With the permit not being "effective on the 14<sup>th</sup> day following the actual date the decision is rendered" some of the events may have concluded by the time permit is in effect. Some of these need to be effective immediately.

17.5.44.030 Exempt Temporary Uses B & C

We have required TUP's for both B & C and have not allowed residence trailers. Are we changing policy? We have done the TUP for 1 year at a time for large projects.



**Stones, Greg**

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**From:** Linda Smith <linda.smith1970s@gmail.com>  
**Sent:** Friday, April 20, 2018 5:02 AM  
**To:** Halvorson, Brian; Stones, Greg  
**Subject:** Draft Zoning Code Comments

Hello,

Please see my below comments on the draft Zoning Code. I may have additional comments and hope to be able to provide them after the comment period.

17.5.12.020 - revise to include the highlighted text.

D. Additions and alterations to existing buildings and structures that will not increase the gross floor area of the building by more than 2,500 square feet and will not involve exterior alterations along any street-facing façade on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue (excluding additions);

17.5.12.040 - To regulatory, bump up from 2,500 to 5,000 square feet.

A.2. **Major Architectural Design and Site Development Review.** The Commission shall be the Review Authority for the following:

a. New construction of 5,000 square feet or more;

c. Additions of 5,000 square feet or more; and

17.3.8 - I like the new parking requirements as they seem much more business friendly promoting economic growth. However, General Services in Table 17.3.08.040A, should be at 1/250 instead of 1/200. Many of the uses under general services would be considered 1/250 under the current code. Change to 1/250.

17.2.12.40 & 50 - Simplify the build to requirements found in 17.2.12.40, and remove the build transparency in 17.2.12.50 as this is to authoritarian which can stifle design options.

17.3.16 - 60 square feet for each monument sign. Does this include the signage or is this the area of the structure. This 60 square feet should be for the actual sign area not the structure area.

17.2.16 - general office should be a permitted use in the BP zone if parking requirements are met instead of a CUP.

17.2.16- since storage is a permitted use in the BP zone also permit construction storage/supply yard.

Thank you for providing us an opportunity to comment.

Regards,

Linda Smith

Morris & Gloria Sobhani  
204 Rametto Road  
Santa Barbara, CA 93108  
mngsobhani@cox.net  
Office: (805) 736-5744 Cell: (805) 705-3674

April 16, 2018

City of Lompoc Planning Commission  
100 Civic Center Plaza  
Lompoc, CA 93436

RECEIVED

APR 16 2018

RE: **Zoning Ordinance**  
200 North H Street, Lompoc

Planning Division


City of Lompoc Planning Commission:

Followings are our Comments about the proposed new ordinance, currently under review.

1. Existing Down Town Specific Ordinance was developed decades ago with vision to make the 4 blocks of the area into a walking mall with neighborhood business to be supported by the community.
  - a. That vision has proven to be ineffective and has in fact adversely impacted the area resulting in many businesses leaving the area.
  - b. Use restrictions are causing loss of business in Lompoc. Many national businesses have shown interest to lease in these 4 blocks, but the use restriction either have caused them to abandon the area or move to North H street which has created major congestion and an increase in potential traffic accident.
  - c. "Drive Through" restrictions causing sharp decrease in property value. This restriction has caused the cost of the property **outside** the 4 blocks area to be sold at almost 3 times as listed in the market. Star Buck is a good example.

I urge you to consider the following Ordinance changes:

- A. Remove the Ordinance restrictions, limitations and allow the drive through as long as property owners are able to provide the necessary setbacks, parking requirements and all other conditions set forth in the C1 zoning ordinance.
- B. Existing drive through to remain as they have been used in the past.
- C. Allow Conditional Use Permit for this area to encourage other businesses, including national businesses, to move into the area and make up for the losses of the past.

  
Morris Sobhani



From: Morris Sobhani <mngsobhani@icloud.com>  
Subject: Fwd: Workshop,draft title 17 Zoning Ordinance  
Date: March 28, 2018 at 5:47 PM  
To:



Morris Sobhani  
M: 805.705.3674  
O: 805.736.5744  
[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)

Begin forwarded message:

From: Morris Sobhani <[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)>  
Subject: Workshop,draft title 17 Zoning Ordinance  
Date: March 28, 2018 at 4:47:06 PM PDT  
To: City Lompoc Brian Halverson <[b\\_halvorson@cl.lompoc.ca.us](mailto:b_halvorson@cl.lompoc.ca.us)>

Brian:

I would like to submit the following comment about the draft ordinance , 17.2.16 Industrial Zones as follow:

Page 5 Item B, Limited Accessory Accessory Uses,

My understanding is the limit of 15% is to provide protection for the business in C zone, but the wine tasting room

in no way can be a completion in the C zone stores, I requested reconsideration to exempt the tasting roos from this limitation.

I also would like to add another comments in reference to the 1000 SF in gross area.

We have been trying to allow food serving in the Ghetto for the past 12 years now after

all these years why the proposed ordinance has a 1000 SF limitation. Please reconsider

this limitation and remove the 1,000 SF as long the tenant of restaurant comply with Building code and parking requirement.

Morris Sobhani  
M: 805.705.3674  
O: 805.736.5744  
[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)

ES 3-28-18  
✓

From: Morris Sobhani <mngsobhani@icloud.com>  
Subject: Fwd: Workshop,draft title 17 Zoning Ordinance  
Date: March 28, 2018 at 5:27 PM  
To:



Morris Sobhani  
M: 805.705.3674  
O: 805.736.5744  
[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)

Begin forwarded message:

From: Morris Sobhani <[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)>  
Subject: Workshop,draft title 17 Zoning Ordinance  
Date: March 28, 2018 at 4:47:06 PM PDT  
To: City Lompoc Brian Halverson <[b\\_halverson@ci.lompoc.ca.us](mailto:b_halverson@ci.lompoc.ca.us)>


Brian:

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Morris Sobhani  
M: 805.705.3674  
O: 805.736.5744  
[mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)

Date: 3/28

Comment - Please Print Legibly

Ordinance Section(s): 17.2.16 Industrial Zones

Comment:

limiting restaurant/outdoor dining to 1000sq ft will limit the likelihood of someone investing in the building of a restaurant because 1000sq ft may not be large enough to justify the investment in addition there are very few units in the "wine ghetto" that are that small, I believe there are only 4 units ~~at~~ 1000sq ft. All are currently rented. Restaurants in the wine ghetto will be a growth engine as seen in Los Alamos, Buellton (industrial way) and the fork zone. Other restaurants will benefit from the

Topics(s) that were <sup>increase in tourism,</sup> Not Addressed in Proposed Zoning Code:

Comment Submitted By (this section must be completed)

Name: Steve Arrowood

Address: 1209 Meridian Way

Phone: 3103656236 Email: pvgarajuste@gmail.com

STAFF USE ONLY

RECEIVED BY: 64 DATE: 3-28-18 ✓

For more information regarding the Draft Zoning Code, please contact:  
Brian Halvorson, Planning Manager at [b\\_halvorson@ci.lompoc.ca.us](mailto:b_halvorson@ci.lompoc.ca.us) or 805-875-8228  
or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273



Date: 3/28

Comment - Please Print Legibly

Ordinance Section(s): 17, 2, 16 Industrial Zones

Comment:

Constraining wine tasting rooms to the accessory use  
of 15% does not make sense in 2018 when there are  
so many tasting rooms approved most exceed 15% and  
are not competing with other businesses in town. The  
wine tasting rooms should be seen as growth  
engines as they bring overnight visitors as well as  
new Lompoc residents as seen in all other wine tasting  
regions.

Topic(s) that were not addressed in proposed zoning code:

Comment Submitted By (this section must be completed)

Name: Steve Arrowood

Address: 1209 Mendocino Way

Phone: 703656236 Email: pujavaragiste@gmail.com

STAFF USE ONLY

RECEIVED BY: GS

DATE: 3-28-18 ✓

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or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273

Date: 3.28.18

Comment -- Please Print Legibly

Ordinance Section(s): BP Zone usage

Comment:  
in BP ZONE, Residential use types  
allowed should not be allowed, Business  
types like restaurants, ~~bars~~ wineries, micro  
brews, etc are not consistent w suggested  
permitted residential use types

Topics(s) that Were Not Addressed in Proposed Zoning Code:

Comment Submitted By (this section must be completed)

Name: DAN KESSLER

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Phone: 805.479.0043 Email: DDK@kesslercreative.com

STAFF USE ONLY

RECEIVED BY: LS DATE: 3-28-18 ✓

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or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273



Date: 3/28/18

Comment - Please Print Legibly

Ordinance Section(s): COMMERCIAL / INDUSTRIAL

Comment:

AS A SMALL BUSINESS OWNER IVE  
NOTICED A LACK OF INDUSTRIAL ZONES.  
UNFORTUNATELY MY BUSINESS FALLS UNDER  
INDUSTRIAL USE. WITH THERE BEING SO  
FEW INDUSTRIAL SITES AND NOW STIFF  
COMPETITION FROM WINEYS AND NOW POT  
(ORCHERS) I THINK IT'D BE IMPORTANT TO  
HAVE DESIGNATED WINE AND POT ZONES.

STRICT CUP REQUIREMENTS ARE ALSO  
NOT VERY BUSINESS FRIENDLY.

Topics(s) that Were Not Addressed In Proposed Zoning Code:

DESIGNATED WINE AND POT ZONES.

Comment Submitted By (this section must be completed)

Name: STEVEN BRILSO

Address: 4000 RIVER AVE LOMPOC

Phone: 805-588-8273

Email: STEVE@AUTODETAILING

EXCEL-FOUR.COM

STAFF USE ONLY

RECEIVED BY: 65

DATE: 3-28-18



For more information regarding the Draft Zoning Code, please contact:  
Brian Halvorson, Planning Manager at [b\\_halvorson@ci.lompoc.ca.us](mailto:b_halvorson@ci.lompoc.ca.us) or 805-875-8228  
or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273

**REESE AND ASSOCIATE  
ARCHITECT**

115 East College Avenue, Suite #5, Lompoc, CA 93436  
(805) 736-8117 [sr@reearchitect.com](mailto:sr@reearchitect.com)

April 11, 2018

City of Lompoc  
Planning and Development  
100 Civic Center Plaza  
Lompoc, CA 93436

Dear Sir or Madam:

The following are my comments on the proposed zoning code update. Thank you for the opportunity to provide input.

**PARKING:**

1. Off-Street Loading Requirements (Table 17.3.08.040B)
  - A. Residential – Delete, no loading zone should be required.
  - B. Non-Residential < 50,000 SF -- Revise to : Loading zone required >25,000 SF for commercial or retail.
  - C. Industrial – Revise to > 25,000 SF.
2. Bicycle Parking (17.3.08.050)

Delete "B" -- delete requirement for enclosure, bike rack only.
3. Motorcycles --How about allowing 2 motorcycles for 1 auto - substitution for 1 stall in parking lots between 20 and 30 autos? Not required in parking lots < 20. 1 motorcycle per 15 autos in parking lots > 30.
4. Parking lot lighting: (Pg 17.3.08-9)

18 feet should be revised to 24 feet, additional 6 feet to 30 feet by approval of director.
5. Compact car spaces: Revise to " 20% of provided parking spaces may be compact spaces."

**LANDSCAPING:**

1. Table 17.3.12.040.B



Walls – Masonry material a minimum of 6" (4" wall will blow over in hard wind).

Solid fence: add vinyl slats.

2. Equipment Screening

A. Diagram indicates screening of roof-mounted equipment – what is horizontal distance for viewing?

B. Industrial zones should be excluded from this requirement.

3. Parking Area Landscape

A. Required interior: I don't believe this should be required since total area is specified in Table 17.3.12.050.A and allocation should be designer option.

B. Delete Scenic Highway requirement/section.

SIGNS:

1. Monument sign base: This section should be deleted as it is too limiting. Also, is in conflict with Figure 17.3.16.030.3, which shows full base. Also figure 17.3.16.060.5.

2. Rotating signs: Signs can be boring. I would not be opposed to rotating signs such as Union Oil ball or Thriftmart windmill. These are classic and interesting signs.

3. Size criteria: Non-residential (Table 17.3.16.060.B)

A. No awning signs should be allowed. There is no need for this type of sign which cannot be viewed from street level.

B. Flags – should allow two flags (U.S. and State).

C. Wall signs – I doubt Starbucks would meet this requirement.

INDUSTRIAL (Table 17.2.16.030.A)

1. Why is cannabis testing not allowed in an industrial zone? I believe it should be allowed.

2. Manufacturing/Heavy: Should be allowed in industrial zone without CUP.

Thank you,

Steven Reese, Architect

Date: 3.28.18

Comment - Please Print Legibly

Ordinance Section(s): Wine Echetto

Comment:

Our winery, Transcendence is at the corners of F, G & Chestnut. I would just like to make sure the wine Echetto ordinance extends into those areas as well. In addition to Transcendence there is Longona, Brewer-Ciffin and the wine Factory in that area just to name a few.

Thank you!

Good work !!

Topics(s) that were Not Addressed in Proposed Zoning Code:

Comment Submitted By (this section must be completed)

Name: Sara Hummer - owner Transcendence

Address: 138 Inverness Ave

Phone: 805-455-9589

Email: sara@transcon

STAFF USE ONLY

RECEIVED BY:

69

DATE:

3-28-18



For more information regarding the Draft Zoning Code, please contact:  
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or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273



Date: 4-17-18

**Comment - Please Print Legibly**

Ordinance Section(s): Zoning Code

**Comment:**

Dear Mr. Halvorson, we met 2 weeks ago at the public forum. Many of my colleagues in the "wine ghetto" proper would like the industrial/restaurant zoning to be exclusive to the "wine ghetto" area. I just want to voice my opposition to this. There are numerous wineries in Lompoc outside of the ghetto where tourists and residence go. It seems very exclusionary and short sighted. I'm sure the zoning won't be amended for another 40 years and who knows what types of industries will accommodate those buildings. Although we don't have immediate plans for a restaurant we are cady corner to Solvang Brewery which is a great location for food.  
Also 1000 square feet is Really small !!  
Thank you - Sara

**Comment Submitted By (this section must be completed)**

Name: Sara Gummere Transcendence  
Address: 313 N F Street - Lompoc CA 93436  
Phone: 805-455-9589 Email: Sara@transcendwines.com

**STAFF USE ONLY**

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

For more information regarding the Draft Zoning Code, please contact:  
Brian Halvorson, Planning Manager at [b\\_halvorson@ci.lompoc.ca.us](mailto:b_halvorson@ci.lompoc.ca.us) or 805-875-8228  
or Greg Stones, Principal Planner at [g\\_stones@ci.lompoc.ca.us](mailto:g_stones@ci.lompoc.ca.us) or 805-875-8273



## ***Public Works Department/Engineering Division Memorandum***

**DATE:** April 20, 2018  
**TO:** City Planning  
**FROM:** Kevin P. McCune, Public Works Director  
**SUBJECT:** Wireless Telecommunication Facilities 17.4.04.200

We need zoning standards to control how Small Cell wireless antennas are developed in City. Draft Zoning Code Section B Applicability says this section applies:

- Outside Public Right of Way
- Outside City-Owned properties
- Not mounted upon or occupying, city owned support structures

Section B also references Chapter 17.5.12 for standards and requirements. However no wireless antenna standards are contained in this chapter.

I recommend the above is revised so that the zoning code applies within the right of way. We want to keep the right of way as clear as possible. If we don't limit these antennas to existing poles we will end up with new poles all over from multiple cell providers.

Add standards to say cell providers must keep antennas on existing street light poles when available. The old city pole is removed and cell provider provide a new pole with integrated antenna installed. The new pole must meet certain aesthetic requirements determined by Planning. Generally require all equipment in base, not in separate box. Look to City of Cupertino for examples.

### **Background**

1. Small cells "re-use" and boost the RF spectrum to improve performance.
2. Used where customer data speed is too slow due to population density.
3. Expect multiple carriers to want to install these as they compete in 4G.
4. Next rollout will be 5G and will require 10-20x the siting of 4G!
5. It is in city interest to minimize the number of poles in right of way.
6. Cell industry likes the integrated pole (antenna/light pole) because high public trust in something familiar looking (compared with a standalone antenna).
7. Cell industry has right to use the public right of way.
8. City has right to limit placement in right of way based on aesthetics.
9. City needs to keep control of streetlights for public safety.
10. Poles are approved by PUC.



This is what they did in Cupertino:

- A. Planning standards say cell providers must keep antennas at existing street light pole if available. The old pole is removed and a new pole with integrated antenna installed. The new pole must meet certain aesthetic requirements. Generally require all equipment in base, not in separate box.
- B. If fiber optic is provided, spare conduit for city must be installed and dedicated to city.
- C. City removes the old pole. The new pole is installed by the carrier then dedicated to the City.
- D. If pole is hit or damaged, cell provider replaces pole.
- E. Cell provider equipment is metered.
- F. Cupertino met with the 4 major providers and standardized on a pole that works for all and has a bolt pattern that works for the existing foundations.
- G. Fee is \$1500/pole.
- H. They have master agreements with each carrier.



Section	Paragraph	Notes
17.2	08.030. Table A	Agricultural Uses and Animal Keeping Use Types; why is "Animal Keeping and Production" and "Field and Tree Crop Production" even considered in R-1 areas?
17.2	08.030. Table A	Services Use Types; "Bed & Breakfast", should be CUP in all zones.
17.2	08.030. Table A	Public Services, major; should be CUP in all zones Public Services, minor; should be permitted use in all areas Define "public Services, minor in 17.7.04
17.2	12.030. Table A	Industrial, Manufacturing, Processing, and Wholesaling Use Types; "Cannabis Testing Laboratory" should be CUP in CB and PCD zones NOTE: remove all cannabis related uses from this document until a CEQA analysis has been completed. See separate notes.
17.2	12.030. Table A	Recreation, Education, and Assembly Use Types; define "Recreation, Passive" in 17.7.04
17.2	12.030. Table A	Retail Trade Use Types; "Dispensary" define dispensary types in 17.7.04
17.2	12.030. Table A	Other Use Types; "Adult Businesses" require CUP in all zones.
17.2	24.050 E3b	H Street Overlay Zone, Limitations on location of parking. (2) The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping consistent with Chapter 17.3.12 (Landscaping and Screening Standards). This is a new requirement – need to discuss.
17.2	24.050 E5	H Street Overlay Zone, Maximum block length. 400 and 600-foot block lengths are inconsistent with the current configuration of H Street.
17.2	24.050 E7	H Street Overlay Zone, Street trees. "A minimum of two trees shall be located along every 40 feet of street frontage and may only be located in

		City right-of-way if approved through an Encroachment Permit." CALTRANS does not want trees along the state right-of-way.
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Section	Paragraph	Notes
17.3	04.020A	Attached Accessory Structures; how do attached, open sided patio covers fit into the set back requirements. Most extend to property line.

Section	Paragraph	Notes
17.3	04.050A2	Wildland fire risk areas; has fire department approved these requirements?

Section	Paragraph	Notes
17.3	04.100D	Tree Protection and Replacement Guidelines; these guidelines should only apply to native trees. Trees that are diseased, are brittle (eucalyptus) or are a danger during storms should be prohibited in landscape design.

Section	Paragraph	Notes
17.3	08.040 Table A	Retail Trade Use Types; Commercial area Parking; currently based on "gross floor area". Should change to acknowledge that a large majority of the available floor space in retail establishments is taken up by storage and merchandise display racks. Change "gross floor area" to "1 space per 250 square feet of net retail floor area" and define it as "the net floor area available after subtracting for storage and merchandise display racks". <ul style="list-style-type: none"> <li>This requirement should be retroactive to free up more space for commercial development in existing PCD areas.</li> </ul>

Section	Paragraph	Notes
17.3	08.040 Table A	Services Use Types; Medical Clinics and Laboratories; the current requirement "1 space for each 250 sq. ft., plus 1 space per exam room, plus .5 space per employee" is inadequate based on experience gained from recent developments. Change to "2 spaces for each examining room or lab, plus one space for each 30 square feet of waiting room, plus .5 space per employee".



Section	Paragraph	Notes
17.3	08.040 Table A	Industrial, Manufacturing, Processing, and Wholesaling Use Types; All industrial, manufacturing, processing and wholesaling uses, unless otherwise listed: currently "1 space per 300 sq. ft. office area plus 1 space per 1,500 sq. ft. indoor storage area" change to "1 space per 300 sq. ft. office area plus 1 space per 3,000 sq. ft. indoor storage area".

Section	Paragraph	Notes
17.3	12.030 Table A	Minimum Landscape Coverage; the minimum coverages seem excessive (e.g. R-1 properties require 60%; the minimum size for a R-1 property in 7,000 square feet. Using this calculation would require over half the lot to be landscaped.)

Section	Paragraph	Notes
17.3	3.12.040 3D	Height measurement. "a. All screening height shall be measured as the vertical distance between the finished grade at the base of the screening and the top edge of the screening material". Where is it measured from between adjacent lots that differ in elevation?

Section	Paragraph	Notes
17.4	04.160	Outdoor Display; what percentage of the parking area may be used for outdoor display?

Section	Paragraph	Notes
17.4	04.190C3	Music festivals; establish db levels in proximity to residential areas.  Needs to include standards for fireworks stands.



We are adding cannabis use, cultivation, manufacturing, packaging, processing, testing, and sales to several zones within the City. These uses were added by the City Council to Section 9.36 of the Municipal Code and the established planning protocols as defined in the Public Resources Code weren't considered in their hearings.

Title 9 of the Municipal Code addresses "Public Peace and Welfare"; Title 17 addresses "Zoning". The purpose of each Title differs greatly:

- The Public Peace and Welfare title is concerned with human behavior such as curfews, firearms, gambling, houses of ill fame, etc. and not land use planning.
- The Zoning Ordinance title establishes land use planning requirements.

Before adding cannabis cultivation, manufacturing, packaging, processing and testing as an approved use in Zoning Ordinance I am requesting that we analyze the action using the CEQA process, which is the established way to evaluate any issues associated with new land uses. The council didn't use this process while creating this new policy, therefore they didn't fully vet any potential hazards or conflicts with neighboring businesses or adjacent residential zones.

Since placement of commercial cannabis operations in any zone was not evaluated using CEQA guidelines during development of the General Plan or in the creation of Ordinance 6147(17), we don't know if the development standards, or approved zones contained in the Ordinance considered all potential impacts because the project hasn't been properly assessed.

When illegal, there were many public safety issues associated with a variety of processing operations; these unregulated distilleries blew up, killed or maimed the operators and set fire to the buildings they were in and exposed neighbors to preventable hazards. These so-called "drug labs" also produced substantial quantities of hazardous waste, solid waste and air pollution to name a few.

The City has a duty to inform the public about the potential significant environmental impacts of proposed activities being considered by governmental decision makers. Decision makers, in this case the Planning Commission, are accountable for their decisions regarding potential environmental impacts and need to articulate the reasons for zoning decisions.

This request is consistent with the process used in many cities and counties throughout the state, including the City and County of Santa Barbara, who were considering the adoption of cannabis business enabling ordinances.

As I understand it, changing or adding a new land use constitutes a "project" (as defined in the Public Resources Code, Division 13, Chapter 2.6, Section 21080a) if it involves "discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances".

It is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies.

As you all know the purpose of the CEQA process is to identify significant effects on the environment of a project, to identify alternatives to the project, and to indicate the way those significant effects can be mitigated or avoided.

The processes described/allowed in the Ordinance 6147(17) indicates that numerous hazardous materials may be used. Processing subjects to be analyzed in the EIR as a minimum are cannabis:

- o Cultivation methods,
- o extraction processes,
- o hazardous materials storage and waste disposal,
- o greenhouse gas impacts,
- o potential use of cancer causing agents,
- o processing, sales and storage odors,
- o solid waste storage and disposal,
- o hydroponic growing facilities,
- o waste water processing,
- o manufacturing,
- o packaging,
- o processing,
- o testing, and
- o sales area impacts on surrounding residential zones.

The inclusion of cultivation as a permitted activity does not currently fit into any zone within the City. In the General Plan "cultivation, processing, packing, greenhouses (and) farm equipment storage" is only permitted in the Agriculture (AG) zone; there are no AG zones in the City limits; therefore, this is a new use that must be properly assessed if it is to be allowed in any other zone.

The Business Park (BP) zone uses are described this way; "Attractive industrial areas for light manufacturing, research and development activities, storage and distribution facilities, administrative offices, and accessory uses. These areas are accessed by arterials and major roadways. Appropriate uses include aerospace-related activities and services, assembly and repair, industrial services, wholesaling, warehousing (with inside storage only), and administrative facilities. This category differs from the Light Industrial category by including commercial service uses which complement industrial services and operations."

Industrial (I) zone uses are described this way; "Industrial areas which include all uses identified for the industrial categories as well as manufacturing and distribution activities which require separation from residential areas. This category permits a wide range of industrial activities including manufacturing, assembling, mechanical repairs, product storage, wholesale trade, heavy commercial (e.g., lumber yards), and accessory office and services."

Lastly, the Council created development standards which are unique to the cannabis industry in Ordinance 6147(17). This Ordinance contains vague standards and terms which are inconsistent with any in the draft ZO, some examples are:

- o mixed light construction;
- o doesn't define what constitutes "separation (of commercial cannabis activity) from a sales area";
- o requires "a material strong enough to prevent entry" for walls, floors and roofs, but doesn't define what those materials are, the construction method or what "translucent materials" on the roof may have this quality.

- o Note: common construction materials are not strong enough to prevent entry if common tools such as hammers, breaking bars, axes or saws are used; ask the fire or police department.

I respectfully request that the staff prepare an EIR prior before including this new use in the Zoning Ordinance. We can always use a Text Amendment to include cannabis use in various zones and add development standards later when we have all the facts we need to explain our decision.



**Halvorson, Brian**

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**From:** Ron <rfink@impulse.net>  
**Sent:** Thursday, August 09, 2018 3:12 PM  
**To:** Halvorson, Brian  
**Subject:** Zoning workshop notes  
**Attachments:** 08-22-18 CC-PC ZO workshop.docx

The issues I previously identified as "difficult to enforce" on June 3 remain in the ordinance and are still unenforceable. Also attached are portions of the ZO that I still feel need to be improved.

In the "Enforcement" Chapter, Section 17.6.28: Property Nuisances, there are, in my opinion many examples of subjective and unenforceable public nuisances.

Paragraph	Condition	Comment
17.6.28.010A2	A building or structure containing dry rot infested with termites or other similar insects, or is in a dilapidated condition	Most older buildings contain some level of dry rot and most have termites; what is the metric to determine the severity of the nuisance?
17.6.28.010A4b	A condition likely in the opinion of the City Manager, to likely to harbor rats, vermin, or other similar creatures constituting a health hazard;	How many rats or vermin does it take to constitute a health hazard? Is the presence of animal droppings sufficient evidence or does the officer have to see the critters?
17.6.28.010A4c	A condition which causes appreciable harm or material detriment to the aesthetic and/or property value of surrounding property;	Very subjective; some combinations of paint colors, yard art, choice of landscaping materials, etc. can cause the noted conditions.
17.6.28.010A8	Trash receptacles stored in front or side setbacks that are visible from a public street and rear setback, except when placed for the purposes of collection	City provided trash receptacles do not fit into alleyway trash enclosures in the older sections of town; likewise, older shopping centers don't have trash enclosures, so this condition cannot be mitigated in many cases.
17.6.28.010A11	The accumulation of dirt, waste, or debris, in vestibules, doorways, or adjoining sidewalks or walkways.	The wind blows debris into doorways daily; is there a time metric to base a complaint on? What about the public way; the same trash accumulates in publicly owned spaces and the City makes no effort to clean it up.

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### Section No.1 – Staff Agrees

The comments listed have been reviewed by Staff and Staff recommends to the Planning Commission that these should be incorporated into the Draft Zoning Code.

### Other Zones

1. 17.2.20.030 A – Add Mirco-Alcohol Production in MU zone with CUP (like in OTC zone). **(Staff agrees)**

### General Site Development Standards

2. 17.3.04.030 2 – Provide measurable number (scaling) for the diagram illustrating the setbacks for accessory structure. IE – 1'=x, 2'=x, etc. **(Staff agrees)**
3. 17.3.04.080 B1 – Include a reference to fence section of the code. **(Staff agrees)**
4. 17.3.04.090 H – Provide language regarding clean up and add "onto" the ground. **(Staff agrees)**

### Parking reductions, alternatives and incentives

5. 17.3.08.070 G – reduce to 4 spaces instead of 5 **(Staff agrees)**
6. 17.3.08.070 H – Be consistent (Do we use "lot" or "parcel" in the code) **(Staff agrees)**
7. 17.3.08.030 E2 – Take out "rear" and allow tandem parking in rear yard. **(Staff agrees)**
8. 17.3.08.040 D – Remove "balconies" from floor area calculation. **(Staff agrees)**
9. 17.3.08.060 B – Add compact spaces dimensions on the diagram grid. **(Staff agrees – Staff to determine format)**
10. 17.3.08.060 D2 – Increase standard light pole size from 18' to 20' tall. **(Staff agrees)**
11. 17.3.08.070 I – Do not require peer review for parking studies, only staff review. **(Staff agrees)**

### Landscape and Screening standards

12. 17.3.12.020 C – Change to "Final Certificate of Occupancy" **(Staff agrees)**
13. 17.3.12.050 E – Add "with rebar" **(Staff agrees)**
14. 17.3.12.040 C – (Table 17.3.12.040.B) – In planting section indicate no juniper plants (to flammable). **(Staff agrees)**
15. 17.3.12.040 D – For commercial zones (such as CB) allow fence screening also 8' (instead of just 6'). Revise Table 17.3.12.040C to include and allow CB commercial zone to have 8' tall screening heights. **(Staff agrees)**
16. 17.3.12.040 D3 – (Figure 17.3.12.040.1) – label the 1<sup>st</sup> graphic with "landscape/wall." **(Staff agrees)**

### Sign Standards

- 17.17.3.16.040 A2 – Take out "burned" (**Staff agrees**)
- 18.17.3.16.040 B8 – Change to include "except those located in a multi-parcel center" (**Staff agrees**)

### Specific to Use Standards

- 19.17.4.04.070 B1 – Construction of storage/supply yard – Change setback requirement from 3-5 feet to 2-3 feet instead (**Staff agrees**).

### Home Occupation

- 20.17.4.04.100 D – Add wording to say "excludes cottage foods". (**Staff agrees**)

### Mixed-Use Development

- 21.17.4.04.130 C2 – Add "where appropriate" instead of "or similar features" (**Staff agrees**)
- 22.17.4.04.130 C3b – Change from "within 100 feet of the unit" to "300 feet of the unit" (**Staff agrees**)
- 23.17.4.04.130 D3 – change "involve" to "include" (**Staff agrees**).

### Outdoor dining

- 24.17.4.04.150 2b – delete "near curb". (**Staff agrees**)
- 25.17.4.04.150 C – delete "compatible with the building's façade and general streetscape" (**Staff agrees**)
- 26.17.4.04.150 C5 – Add "fixed" busing facilities (**Staff agrees**)

### Temporary uses

- 27.17.4.04.190 7 – include "4<sup>th</sup> of July" (**Staff agrees**)

### Application processing requirements

- 28.17.5.04 – Include somewhere in this section the process for an applicant to attend and get input at DAT (Development Assistance Team) – (**Staff agrees**)

### Property Nuisances

- 29.17.6.28.010 A8 – Remove "rear" setback since people commonly store trash receptacles (such as off the alley) in this location (**Staff agrees**)

### Definitions of Terms

- 30.17.07.04 – Provide definition of Ldn (sound) like in GP. (**Staff agrees**)



Section No.2 – Reviewed by Staff / Planning Commission Discussion needed

The comments listed have been reviewed by Staff and Staff recommends the Planning Commission discuss and make recommendation if they should be incorporated into the Draft Zoning Code.

General Site Development Standards

- 31. 17.3.04.050 B 2b – Need to say for new lots only. Include statement to meet development standards. **(staff to review)**
- 32. 17.3.04.070 D – (Figure 17.3.04.070.2) – Revise site visibility standards based on sidewalk size. IE- 4 foot sidewalk requires 4' site visibility, 8 foot sidewalk requires 0'. **(not recommended. staff to clarify and indicate back of sidewalk)**
- 33. 17.3.04.100 – Remove tree protection section as it applies to private property **(not recommended)**

Parking reductions, alternatives and incentives

- 34. 17.3.08.070 A1 – 50% parking reduction is too high. Should not apply to assembly uses. Include a provision to allow parking to be reduced if located within 400 feet. **(discuss)**
- 35. 17.3.08.030 C – Increase to 20% for compact spaces. **(discuss)**
- 36. 17.3.08.040 E – Why residential parking in OTC? Not enough space to construct parking. Remove time frame. **(discuss)**
- 37. 17.3.08.070 A2 – Do not include residential for parking reduction. **(discuss)**
- 38. 17.3.08.080 A3a&b – Remove language regarding trip reduction strategies as this requirement could cause fear in developers and potentially kill project. **(not recommended as they are options)**
- 39. 17.3.08.030 B2 – Add wording that it does not include alley. **(not recommended)**

Landscape and Screening standards

- 40. 17.3.12.050 D1 – (Table 17.3.12.050.A) – For 15 or fewer, change to 0% (instead of 5%) **(discuss)**
- 41. 17.3.12.050 F2 – Only require trees in front of lot **(not recommended)**
- 42. 17.3.12.050 F3c – Change redwood chips to "wood chips" (recommended) and increase amount from 15% to 40% **(not recommended)**
- 43. 17.3.12.040 B – Why require screening of equipment such as meter boxes and transformers? Remove this requirement. **(staff to research)**
- 44. 17.3.12.040 F – only required solid walls for a barrier and do not include additional landscape buffer areas as this takes up more land. **(discuss)**
- 45. 17.3.12.040 F5a – exempt railroads from requirement of providing a minimum 5' native landscaping of 75% opacity planted and maintained next to open space areas. **(discuss)**



46. 17.3.12.040 H – provide additional options for security fencing and add language regarding security fencing. Allow materials such as chain mail. Look at Home Depot fencing material for examples. **(discuss – staff to research)**

#### Sign Standards

47. 17.3.16.040 C2 – Add "steam" **(discuss)**

#### Specific to Use Standards

48. 17.4.04.050 C2a – Caretaker's unit – Why is the unit required to be on the 2<sup>nd</sup> floor? rear is better **(discuss)**
49. 17.4.04.060 D – Community Gardens – Add: "Remove all garden improvements" instead of "replaced with landscaping" **(discuss)**
50. 17.4.04.080 E – Emergency Shelters – Add the limit to 104 beds "per facility". The limit is a "cap", not per facility. **(no change)**
51. 17.4.04.080 L – Can the waiting and intake area be increased? (100 sq. ft. seems small, is there flexibility to increase?).

#### Home Occupation

52. 17.4.04.100 F6 – Can we take out? Conflicts with IRS rules relating to the requirement of fixed signage. **(research needed)**
53. 17.4.04.100 F11, 12, & 16.– This is regulated by the County, do we need these provisions? **(staff to research)**
54. 17.4.04.100 F18: Do we need since they are required to use City water? **(no change)**

#### Mixed-Use Development

55. 17.4.04.130 4 – Add "when possible or feasible" **(discuss)**
56. 17.4.04.130 D3 – Include language referring to "exceed City Standards" instead of "may be detrimental" **(discuss)**

#### Temporary uses

57. 17.4.04.190 4h – Mobile vending – Need to have a length requirement for vending carts **(discuss)**
58. 17.4.04.190 9 – Is text missing here?
59. 17.4.04.190 10 – wood chips should be an allowable material for a temporary parking lot **(discuss, not recommended)**

#### Application processing requirements

60. 17.5.04.040 C – Application fees – use the word "may" instead of "shall" regarding refunds authorized by the Director **(discuss)**

#### Sign permit and sign program

61. 17.5.40.020 A – Add "Directory Sign" to this list **(consider change)**

62. 17.5.40.020 B1 – Consider excluding residential in this section (**discuss**)

Nonconforming uses, structures, and Parcels

63. 17.6.20.010 E

64. 17.6.20.040 C – Why can't the nonconforming use be replaced with a "residential use" (**staff follow-up**)

65. 17.6.20.080 A2 – Wording should be added to exempt OTC (**no change recommended by staff**)

66. 17.6.20.100 C – There should be a trigger for this requirement, not 3 years (**discuss**)

Property Nuisances

67. 17.6.28.010 A4c – Instead of the word "appreciable", use "significant" instead (**discuss**)

68. 17.6.28.010 A9 – Consider revising wording of "reasonable enjoyment of property by neighbors" (**discuss**)

Section No. 3 – Review by City Attorney

The comments listed have been reviewed by Staff and Staff recommends review by the City Attorney prior to the Planning Commission discussing and making recommendations if they should be incorporated into the Draft Zoning Code.

Sign Standards

69.17.3.16.040 B7 – Can we prohibit "people signs"? (*Attorney to review*)

70.17.3.16.040 D – Remove "convey" (*Attorney to review*)

Specific to Use Standards

71.17.4.040.080 J3 – Do they have the right to put up a sign? Consider changing to "no permanent signs and temporary signs are permitted". (*Attorney to review*)

Temporary uses

72.17.4.04.190 8 – can we regulate semi-trailers? (discuss, *Attorney to review*)

Nonconforming uses, structures, and Parcels

73.17.6.20.020 A – The City should have the burden of proof for structures built prior to 1960 (records are not complete before this year) (**Follow-up with staff**, *Attorney to Review*)

Property Nuisances

74.17.6.28.020 C – Are we required to Notice Owner? (*Attorney to Review*)



Councilmembers, I'm John Linn Resident

I have been involved with helping businesses understand and work through the zoning restrictions since I was Chamber of Commerce President in 1988.

I have helped many business open and seen many that could not because of zoning restrictions.

The one thing I can tell you is that more restrictions lead to fewer small businesses opening. So consider each restriction carefully. Is it needed to protect the public health and safety or is it just for esthetics. A nice looking community is important but restrictions that are too costly equal vacant stores, lost revenue and lost jobs.

A MUP is better than a CUP requirement but they both take time and money away from opening a business.

On the other hand, a P for a permitted use, takes no time and no money when a business is trying to open.

This zoning ordinance process has been difficult for me to follow even with my 30+ years of experience. It has encompassed two complete drafts of the Ordinance and the recent red line changes. This red line page process is completely different from all prior zoning ordinance general plan changes and other ordinances in Lompoc. In all the prior changes the Council and Public has been presented a single finished document to review and did not have to piece something together across about 400 pages that don't all match.

Before the Council considers this complete Zoning Ordinance update, a finished document needs to be created that takes the January 2018 draft ordinance, shows staff changes in blue and Planning Commission changes in Red. No changes made after the Planning Commission approval can be included. Next a copy needs to be provided to the Council in color not the black and gray version distributed to Council this time. Separately the Staff needs to compile a list of rights that were granted to property owners and businesses in the existing ordinance and not included in this ordinance. That will allow Council, businesses and property owners to decide if those lost rights were important.

I believe that the loss of use of a building should not be driven by the fact that the Zoning Ordinance changed or a different business moved in but the fact that the building was no longer safe and usable. Every other method is artificial and we do not need vacant buildings or vacant lots.

Next, the Council and the Public need at least 30 days to properly analyze the correct Zoning Ordinance and the list of lost rights.

This process will generate the most business friendly ordinance that protects the public health and safety and provides aesthetics that businesses and property owners can afford.

## Issues to Consider

### 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.

17.1.04.040 Applicability: Item A contradicts with item D.

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.

17.2.08-3 Adds "Safe Parking" as a use in residential zones with a MUP???

17.2.08-4 7R1 zone. It establishes 65 foot wide lots as the minimum standard when most lots are now 50 feet wide.

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.

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.

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?

17.2.12-4 Stillman's cleaners would no longer be allowed in Old Town Commercial

17.2.12.9 Trash enclosures will not be permitted without landscaping.

## INDUSTRIAL AND BUSINESS PARK ZONES

1702.16.0 Is unclear about what exterior uses are accessory and thus limited.

17.2.16.030A Adds Safe Parking as an approved use with a MUP.

17.2.16-3 Limits the food service are to 749 square feet regardless of the building size.

17.2.16-5 Reduces the current 15% space for accessory uses to 10% after the Planning Commission approved 20%.

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.

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.

17.3.08 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.

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.

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.

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.

17.2.20-4 Dry cleaners are prohibited. Why?

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.

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

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.

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.

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.

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?

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.

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??

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?

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.

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.

17.4.04-59 Limits temporary outdoor display and storage to 750 sq. ft. What will Home Depot do?? That is why outdoor use is generally linked to the size of the business not a one size fits all.

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 21<sup>st</sup> century.

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

.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.

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.

17.6.20-5 Regarding non-conforming parcels says to retain its non-conforming status 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 ???

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.



RECEIVED

WORKING DRAFT ZONING ORDINANCE Storage Containers  
Version 1.4 3/1/19

MAR 27 2019

Adding 17.3.04.020 Section D: as follows.

City of Lompoc  
Planning Division

Containers in all zones are designated as a temporary structure with a Group S Occupancy and shall be placed at grade and at least five feet from any structure. Only containers of metal construction shall be used. Containers shall not be used for Group H Occupancy to store flammable products or hazardous materials without the necessary permit and not in the R-1 zone. Containers allowed under this section may be used for storage only and not for residential occupancy or for the operation of a business. Containers may not have electrical or plumbing connections without obtaining a MUP. A business operating solely out of a storage container in any Zone shall obtain a CUP for any other Occupancy Group. Additional requirements per section 3103 of the Building Code shall apply for fire separation and egress.

R-1 Zones: A Permitted use when no more than one in a back yard behind fence of at least 6 feet in height, painted to match adjoining structure and up to a maximum of 26 feet in length. The container may be placed against the alley fence.

R2 or R3, RA, T Zones: Permitted use when placed on the property behind a fence, at the rear of the parcel or adjacent to the alley and painted to match the adjoining structure. If the container is placed on all or part of an existing parking space or in an unfenced area placement shall require an MUP. One container is allowed per parcel up to 14,000 square feet and up to two containers for larger parcels.

Commercial Zones: Permitted use when placed behind the building and painted to match the adjoining building. A container that blocks all or part of a designated parking place or designated loading zone shall require a MUP. One container per parcel or per business on multi business parcels. Businesses over 14,000 gross square feet of floor area may have one additional container for each additional 14,000 square feet up to a maximum of 5 containers per business. Businesses may obtain an AUP for seasonal use of containers not to exceed 180 days.

Industrial and Business Park Zones: Permitted use when container[s] are placed within a fenced storage area which is not designated as required parking. Containers may be placed in front of a I or BP business if no other location is available and subject to obtaining an MUP.

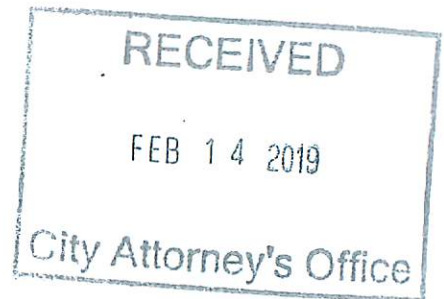
Public Facilities Zone: Containers may be placed on the property in the PF Zone with the approval of the Chief Administrator of the public entity owning the property and shall be painted to match nearby structures or amenities.

Any property holder may request a CUP to memorialize the placement of a container on any parcel not permitted above.



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,

A handwritten signature in blue ink, appearing to read "John H. Linn". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

John H. Linn

CC: Lompoc City Council  
Lompoc City Attorney  
Industrial property owners



Stevens

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 15<sup>th</sup> 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 m<sup>2</sup>) 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 *servicing five or fewer patients (see Section 308.4.2 for facilities servicing 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 m<sup>2</sup>) 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

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**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

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**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

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**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](mailto:ddk@kesslerhaakwine.com)

W: [kesslerhaakwine.com](http://kesslerhaakwine.com)

FB: KesslerHaak

Twitter: khvines

Instagram: khwines



Halvorson, Brian

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**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

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**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](mailto: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 m<sup>2</sup>) 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 15<sup>th</sup> 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**

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**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 m<sup>2</sup>) 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](mailto:ddk@kesslerhaakwine.com)  
W: [kesslerhaakwine.com](http://kesslerhaakwine.com)  
FB: KesslerHaak  
Twitter: khvines  
Instagram: khwines

**Halvorson, Brian**

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**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 m<sup>2</sup>) 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@ampeloscellers.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.

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- 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 m<sup>2</sup>) 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

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**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 m<sup>2</sup>) 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](http://www.certainsparks.com)

Halvorson, Brian

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**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

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**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, it 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

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**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 19<sup>th</sup> 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 Council, 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