



PLANNING COMMISSION STAFF REPORT

Planning Commission Meeting Date: September 9, 2020

TO: Members of the Planning Commission

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

RE: Consideration of Recommendations to the City Council for Approval of Minor Zoning Code (Title 17) Text Amendments (TA 20-02) and Minor Revisions to the City's Architectural Review Guidelines

AGENDA ITEM NO. 2

Review of minor Zoning Code Text amendments related to restaurant uses serving alcohol in the Convenience Center zone, streamlining permit requirements for sidewalk and mobile vendors, revisions to architectural design/site development review procedures and flexibility in permitting requirements for small housing projects (6 or less units), revised height requirements for permanent outdoor storage in Industrial and Business Park zones, bicycle parking exemptions for multi-family housing projects (4 or less units), revision to the residential street side yard setback fence height, edits to outdated or incorrect terminology and code references, and minor amendments to the City's Architectural Review Guidelines for consistency with said Zoning Code Text amendments related to architectural design/site development review. The Planning Commission's act of recommending adoption of the Zoning Code Text Amendment is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" of the Zoning Code Text Amendment, as defined in CEQA Guidelines Section 15352, but is rather a recommendation of approval, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment. Alternately, this action is exempt from CEQA review pursuant to Section 15061b(3) of CEQA.

Scope of Review

The Planning Commission is being asked to:

- Consider public input;
- Determine if the proposed zoning code text amendments are consistent with the 2030 General Plan and complies with legal requirements; and
- Determine if the required findings in Resolution 935 (20) can be made for the proposed zoning code text amendments attached to said Resolution as Exhibit A.

Staff Recommendation

1. Receive public input;
2. Adopt Resolution 935 (20) recommending that the City Council:
 - Allow restaurant uses serving alcohol as a Permitted Use in the CC zone;
 - Streamline permit requirements by removing the requirements for a Vendor's Permit for mobile and sidewalk vendors;
 - Minor amendments to the City's Architectural Review Guidelines and Zoning Code Text amendments related to flexibility in design and permitting requirements by providing an exemption for small housing projects (6 or less units) and clarification of which projects require review by the Planning Commission;
 - Increase allowable height requirements for permanent outdoor storage in Industrial and Business Park zones;
 - Provide an exemption for bicycle parking requirements for multi-family housing projects (4 or less units);
 - Increase street side yard setback fence height requirements; and
 - Edit outdated or incorrect terminology and code references

Or

3. Provide other direction

Background:

On December 17, 2019, the City Council adopted the Final Zoning Code which became effective January 17, 2020. On April 8, 2020, during a regular public hearing, the Planning Commission discussed and initiated staff to work on minor zoning text amendments for particular areas of the Zoning Code as described below. Staff has also added additional minor revisions to provide clarifications in the Architectural Review Guidelines.

Staff Review & Analysis:

The following analysis was provided to the Commission (with the exception of a small revision to the Architectural Review Guidelines as described below) as part of a staff report presented to the Commission at the July 8, 2020 public hearing. For specific proposed code text amendments discussed below, refer to Planning Commission Resolution 935 (20), Exhibit A.

Allow Restaurant Uses Serving Alcohol as a Permitted Use in the CC Zone

The Convenience Center (CC) Zone is a zone that applies to areas of the City where it is appropriate to provide commercial centers adjacent to residential areas to allow for neighborhood shopping needs and walkability. In this zone, under the current code

(section 17.212.030.A), as well as the previous code before the adoption of the new zoning code in December 2019, a restaurant with alcohol sales requires a Minor Use Permit (MUP). This permit is reviewed at a staff level (not heard before the Planning Commission) and may take appropriately 2-3 months to process (depending on the completeness of the application) and costs approximately \$1,400 (which may be more if the Building or Engineering Divisions must also review the application). The Commission recommended streamlining the code by making this use “Permitted” instead of requiring an MUP. Permitted uses only require the submittal of a Business Tax Certificate (BTC) and a fee of approximately \$54.00. Staff agrees that streamlining this process would be beneficial (save time and money to applicants) to the community but would like to mention that it is not uncommon when serving alcohol in areas near residential to have impacts (noise, traffic, crime, etc.). If an MUP is not required, the community may also not have the same opportunity to voice their concerns during the permit review process when alcohol is introduced into a business (restaurant) that did not previously have this component. Although an MUP is approved by the Community Development Director, this decision can be appealed to the Planning Commission/City Council. Restaurants that serve alcohol would still be required to obtain necessary permits through the California Department of Alcoholic Beverage Control. In addition, restaurants that serve alcohol would be required to adhere to all performance standards of the zoning code to minimize various potential operational impacts of land uses and development and promote compatibility with adjoining areas and land uses.

Mobile and Sidewalk Vendors

Under zoning code section 17.404.210.C.5, businesses that conduct mobile vending (other than on public sidewalks or parks) are required to obtain a Mobile Vendor’s Permit. A Mobile Vendor is any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner. The cost of a Mobile Vendor’s Permit is \$349, valid for one year (like a Business Tax Certificate), reviewed by various departments and Mobile Vendors must operate in accordance with operational/safety requirements described in the code.

Under zoning code section 17.404.210.C.4, the same application/fee and similar operational/safety requirements also apply to Sidewalk Vendors which includes vendors selling or distributing food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other public pedestrian path or within a public park.

The Commission recommended that the code be amended so that a Vendor’s Permit not be required for Mobile Vendors and only a Business Tax Certificate (BTC) is needed. If removed, the requirement to obtain a Temporary Use Permit would also be deleted from the zoning code. Staff supports this code amendment but would also recommend this change for a Sidewalk Vendor as well. Staff also recommends that the term/renewal, display of off-site signs, vending cart requirements, and operational/safety requirements remain in the code.

Architectural Review Guidelines / Architectural Design and Site Development Review

The Commission discussed deleting the following section contained in Section III of the Architectural Character/Building Design (B. Residential – Infill) section of the guidelines:

6. New structures shall not crowd or overwhelm neighboring residences. Creation of a vertical canyon effect between houses must be avoided. When a two-story house is proposed adjacent to a one-story house, the second story shall be further from the property line than the first story.

This section came up recently with a small residential project that the Commission reviewed and it was expressed that this requirement is too burdensome and should be deleted. Therefore, this section and the graphic that accompanies it is proposed to be deleted.

This being said, since the last update of the zoning code, smaller projects (such as a duplex) have been required to be reviewed by the Planning Commission but may have been streamlined with a direct submittal of a building permit if the guidelines and zoning code had more flexibility. Therefore, based on discussion at the last Planning Commission meeting held July 8, 2020, additional flexibility could be included by providing an exemption (in addition to the exemption for Single Family homes in the R-1 zone) for residential developments of six (6) or less units located in the R-2, R-3 and MU zones that are not part of a subdivision map.

Lastly, although not discussed at the July 8, 2020 Planning Commission, staff has also included a minor revision to the Architectural Design and Site Development Review zoning code (Chapter 17.512) and the Architectural Review Guidelines which clarifies that **any** of the following projects described under the “*Major Architectural Design and Site Development Review*” requires Planning Commission review.

Permanent Outdoor Storage (Industrial Zones)

The Commission discussed that there may be times during the year that a business may need to store material higher than the fence/wall line and that the code should accommodate this need. Staff discussed this option with the Fire Department (which currently allows pallet storage up to 20 feet without a permit but with a required setback of 10 feet from a lot line) and the potential to amend section 17.216.050 (Additional Standards and Requirements) to allow storage in Industrial zones higher than the existing wall or fence (currently, a maximum height of 8 feet along the side and rear property lines).

Staff proposed text language at the last public hearing which would allow additional storage height above the existing wall/fence when certain parameters are met such as not being adjacent to residentially zoned property and providing a minimum setback of 10 feet (similar to Fire Code requirements).

This code language provides additional flexibility in the code but also considers proximity to residential uses, provides a setback, and considers safety as important factors when storing materials at a height that may pose a concern to citizens, businesses and assets. Additionally, performance standards contained within section 17.304.090 would also apply to permanent outdoor storage in industrial zones.

Bicycle Parking

Currently, the zoning code requires bicycle parking in all zones where 2 bicycle spaces, or 5% of required off-street parking spaces (whichever is greater) are required for all uses (other than single-family residential). The Commission expressed a concern that this requirement should be eliminated for multi-family projects with up to 4 units with garages (not carports). Therefore, staff recommends for multi-family housing projects that contain 4 or less units, no bicycle parking would be required if a fully enclosed garage (with a garage door, not a carport) is provided. This amendment would not require bicycle parking for smaller residential developments such as a duplex or triplex when a garage is already provided on-site as it is assumed that bicycles will be stored in a secure, enclosed structure (garage). The change would still maintain the purpose of the parking standards as described in Chapter 17.308.

Increase Street Side Yard Setback Fence Height Requirements

The previous code update inadvertently reduced allowable fence heights within street side yard (corner lots) setbacks. Currently, the code only allows 3 feet but the proposed amendment would allow up to 8 feet. Pursuant to Chapter 17.304.070.D, height limits would still be required to be maintained at street corners (sight triangle).

Environmental Determination

The Planning Commission's act of recommending adoption of the Zoning Code Text Amendment is not subject to the California Environmental Quality Act (CEQA) review because it is not an "approval" of the Zoning Code Text Amendment, as defined in CEQA Guidelines Section 15352, but is rather a recommendation of approval, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment. Alternately, this action is exempt from CEQA review pursuant to Section 15061b(3) of CEQA and a notice of exemption will be filed following action on this item.

Noticing

On August 30, 2020, a notice for this zoning code text amendment was published in the *Lompoc Record* newspaper and posted to the City's website (public hearing notices) on September 4, 2020.

Appeal Rights

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form and fee of \$257.80.

Attachments

1. Resolution No. 935 (20)

Respectfully submitted,



Brian Halvorson
Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:



For

Christie Alarcon
Community Development Director

RESOLUTION NO. 935 (20)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING CODE TEXT AMENDMENTS (TA20-02) TO TITLE 17 (ZONING) OF THE LOMPOC MUNICIPAL CODE

WHEREAS, Zoning Code Text Amendment TA20-02 includes amendments related to restaurant uses serving alcohol in the Convenience Center (CC) zone, streamlining permit requirements for sidewalk and mobile vendors, revisions to architectural design/site development review procedures and flexibility in permitting requirements for small housing projects (6 or less units), revised height requirements for permanent outdoor storage in Industrial (I) and Business Park (BP) zones, bicycle parking exemptions for multi-family housing projects (4 or less units), revision to the residential street side yard setback fence height, edits to outdated or incorrect terminology and code references, and minor amendments to the City's Architectural Review Guidelines for consistency with said Zoning Code Text amendments related to architectural design/site development review; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on September 9, 2020; and

WHEREAS, at the meeting on September 9, 2020, public comment was received, and City staff was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA) this action is exempt pursuant to Section 15061b(3).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: The proposed zoning code text amendment relating to restaurant uses serving alcohol without the requirement to obtain a Minor Use Permit in the CC zone falls within the intent of the Neighborhood Commercial (NC) General Plan land use designation and it can be found that:

- A. Restaurants that serve alcohol would still be required to obtain necessary permits through the California Department of Alcoholic Beverage Control.
- B. Restaurants that serve alcohol would adhere to all performance standards of the zoning code to minimize various potential operational impacts of land uses and development and promote compatibility with adjoining areas and land uses as contained in section 17.304.090.

- C. Properties that contain the CC zoning designation are afforded the services and facilities appropriate for restaurant land uses which serve alcohol.

SECTION 2: The proposed zoning code text amendment to streamline permitting requirements for sidewalk and mobile vendors would meet the intent of temporary uses in Lompoc Municipal Code Chapter 17.404.210 in that these uses would still be regulated with appropriate standards and it can be found that:

- A. The update will comply with legal requirements imposed by the Santa Barbara County Public Health Department which requires a health permit for sidewalk and mobile vendors.
- B. The code revision would maintain operational and safety requirements contained within Chapters 17.404.210.C.4 and 17.404.210.C.5 that applies to all sidewalk and mobile vendors operating in the City of Lompoc.
- C. The zoning code text amendment would better serve the public necessity, convenience, and general welfare.

SECTION 3: The proposed zoning text amendment relating to height requirements for outdoor storage in the Industrial and Business Park zones is already regulated appropriately without additional zoning requirements and it can be found that:

- A. The increased height limit allowed for outdoor storage is required to meet California Building and Fire code requirements.
- B. The increased allowed height requirements would not apply to industrial properties that are adjacent to residentially zoned properties.
- C. A minimum setback of 10 feet would be maintained and all performance standards would apply to minimize various potential operational impacts of land uses and development and promote compatibility with adjoining areas and land uses as contained in Chapter 17.304.090.

SECTION 4: The proposed zoning code text amendment to bicycle parking requirements in multi-family housing projects would provide more appropriate bicycle parking standards and it can be found that:

- A. The change would maintain the purpose of the parking standards as described in Chapter 17.308.
- B. The code revision would still require the safe storage of bicycles within an enclosed garage.
- C. The change would better serve the public necessity, convenience, and general welfare.

SECTION 5: The proposed zoning text amendment to increase allowable street side yard fence height (screening heights) would correct an error that was inadvertently made in the previous zoning code update and it can be found that:

- A. The code text change would still maintain safe height limits at street corners as required but allow flexibility in fence height on lots that contain a side street (corner lot) configuration.
- B. The code revision would maintain the purpose and intent of landscape and screening standards contained in Chapter 17.312.
- C. The change would better serve the public necessity, convenience, and general welfare.

SECTION 6: The proposed zoning text revisions to the Architectural Design/Site Development Review procedures and the Architectural Review Guidelines would streamline permitting for smaller housing projects and clarify existing regulations, and it can be found that:

- A. The amendments will meet the overall purpose of the Architectural Review Guidelines which is to provide clear standards to improve the architectural review process.
- B. The revisions to the Architectural Review Guidelines will provide clearer code language regarding the required level of review required and provides an exception for smaller housing projects that are six (6) units or less.
- C. The changes provide incentives and streamlined permitting for smaller infill housing developments.

- D. The code revisions are consistent with the objectives, goals and measures of the Lompoc 2030 General Plan.

SECTION 7: The proposed zoning code text changes will update incorrect or outdated code language/references that will make the code accurate and more user-friendly and it can be found that:

- A. The changes will address incorrect code citations and references that were not addressed in the most recent code update.
- B. The revisions will provide a more user-friendly and accurate code.
- C. The change would better serve the public necessity, convenience, and general welfare.

SECTION 8: The Planning Commission has independently reviewed and analyzed the proposed Zoning Code Text Amendments (TA20-02) and finds that it reflects the independent judgement of the Planning Commission and that the action is exempt pursuant to Section 15061b(3) of the California Environmental Quality Act.

SECTION 9: The Planning Commission recommends that the City Council approve Zoning Code Text Amendments (TA20-02) related to restaurant uses serving alcohol in the Convenience Center (CC) zone, streamlining permit requirements for sidewalk and mobile vendors, revisions to architectural design/site development review procedures and flexibility in permitting requirements for small housing projects (6 or less units), revised height requirements for permanent outdoor storage in Industrial (I) and Business Park (BP) zones, bicycle parking exemptions for multi-family housing projects (4 or less units), revision to the street side yard setback fence height, edits to outdated or incorrect terminology and code references, and minor amendments to the City's Architectural Review Guidelines for consistency with said Zoning Code Text amendments related to architectural design/site development review Text Amendments to Title 17 (Zoning) of the Lompoc Municipal Code as shown on the attached exhibit.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of September 9, 2020 by the following vote:

AYES:

NOES:

Brian Halvorson, Secretary

Federico Cioni, Chair

Attachments:

Exhibit A – Proposed Zoning Code and Architectural Review Guidelines Text Amendments

The following zoning code text amendments are proposed as part of Planning Commission Resolution 935 (20) (additions are in **bold underline**; deletions are in ~~bold strikethrough~~):

Chapter 17.104 Title and Purpose

17.104.040 Applicability

- B. **City Permits and Licenses.** No ~~b~~**B**uilding ~~p~~**P**ermit or ~~g~~**G**rading ~~p~~**P**ermit, or ~~b~~**B**usiness **License tax certificate** shall be issued by the City unless the proposed construction or activity complies with all applicable provisions of this Code.
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Chapter 17.108 Authority and Administration

17.108.020 Responsibility for Administration

- A. **Responsible Bodies and Individuals.** This Code shall be administered by the City Council, the Planning Commission, the ~~Economic and~~ Community Development Department Director, and the ~~Economic and~~ Community Development Department as provided in Section 17.504.020 (Authority for Land Use and Zoning Decisions).
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Chapter 17.216 Industrial Zones

17.216.050 Additional Standards and Requirements

- A. **Permanent Outdoor Storage.** Permanent outdoor storage ~~and~~ areas in the industrial zones shall comply with the following standards:
1. Provide screening with walls and landscaping in compliance with Chapter 17.312 (Landscaping and Screening);
 2. Ensure no material is stored at a height greater than the height of the required wall or fence, **except that material may be stored up to a height that is twice the height of the existing wall or fence if the property is not adjacent to residentially zoned property and the stored material is set back at least 10 feet from the wall or fence;**
 3. Storage material shall not cover more than 50% of the site area and shall be located on the rear portion of the parcel, unless storage is the primary use; and

4. A paved surface may be required if necessary to protect the public health, safety, and general welfare as determined by the review authority.

Chapter 17.308 Parking Standards

(Note: For purposes of this staff report, only a portion of this table is shown)

Table 17.308.040.A: Parking Requirements

Use	Parking Requirements ¹
Residential Use Types	
Accessory Dwelling Unit	See 17.404.020
Caretaker's Unit	1 space per unit
Emergency Shelters	1 space per 10 beds + 1 space for each employee (See 17.404.100)
Family Day Care Home	See 17.404.090
Home Occupations	See 17.404. 100 110
Live/Work	1.5 space per unit
Mobile Home Park	2 spaces per unit + 1 guest space for each 25 units
Multi-Family Residential	1 space for each studio or 1-bedroom unit; 2 spaces per unit for units with 2 or more bedrooms; 50% of total spaces must be covered
Residential Care Homes <7	2 spaces per unit
Residential Care Homes ≥7	1 space per 3 beds licensed in the facility + 1 space per employee on the largest shift
Single-Family Residential	2 covered spaces per dwelling unit ²
Single Room Occupancies	1 space for each 2 bedrooms
Supportive Housing	1 space per 2 units
Transitional Housing	1 space per 2 units

Chapter 17.308 Parking Standards

Chapter 17.308.050 Bicycle and Motorcycle Parking Requirements

- A. **Bicycle Parking.** The following standards apply to bicycle parking in all zones:
- Two bicycle parking spaces, or five percent of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential. **For multi-family residential projects with 4 or less units, no bicycle parking is required if a fully enclosed garage (with a garage door, not a carport) is provided for each unit.**

Chapter 17.312 Landscape and Screening Standards

Chapter 17.312.040 Screening

- D. **Height.**
- Screening height.** Screening, except for plant material and trees, shall comply with the height limits established in Table 17.312.040.C (Screening Heights).

Table 17.312.040.C: Screening Heights¹

Location of Screening	Min. Height	Max. Height
Within front setback	N/A	3 ft.
Within street side setback		
<u>Within street side setback</u>	<u>N/A</u>	<u>8 ft.</u>
Side and rear lot line in the CB Zone that adjoins a residential zone	5 ft.	8 ft.
Industrial zone lot line that is adjacent to a residential zone	6 ft.	8 ft.
All other locations	N/A	8 ft.

Note:

¹ All fences, walls, and berms shall comply with Section 17.304.070.D (Height Limit at Street Corners).

Chapter 17.404 Specific to Use Standards

17.404.110 Home Occupation

- B. **Administrative Use Permit and Business License Tax Certificate Required.** A home occupation requires the approval of an Administrative Use Permit consistent with Chapter 17.508 and a business **license tax certificate** consistent with Title 5 (Business Licenses and Regulations).

Chapter 17.404.210 Temporary Uses

C. Requirements for Specific Temporary Uses

4. Sidewalk vendors.

a. **Applicability.** Sidewalk vending includes selling or distributing food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other public pedestrian path or within a public park. A sidewalk vendor can be roaming or stationary. The following sidewalk vendors are not subject to the standards in this Subsection:

- (i) A sidewalk vending pushcart owned or operated by any public agency;
- (ii) Persons delivering goods, wares, merchandise, fruits, vegetables, or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution;
- (iii) Vendors participating in farmers markets or other special events as allowed by the City;
- (iv) An event at a school facility or an assembly use facility, if the vendor is operating in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way); and
- (v) Vendors that only sell, distribute, display, solicit, or offer sale of items that are inherently communicative and have nominal utility apart from its communication (e.g., newspapers, leaflets, pamphlets, buttons, etc.).

~~b. Vendors permit required. No sidewalk vendor shall operate without a sidewalk vending permit and a business tax certificate.~~

~~c. Applications. The application for a sidewalk vending permit shall be signed by the applicant and shall include the following information:~~

- ~~(i) The name and current mailing address of the applicant;~~
- ~~(ii) A description of the type of food, beverage, or merchandise to be sold, as well as hours of operation, a description of the cart, and any additional information that will explain the proposed use;~~
- ~~(iii) A description and photograph (including colors and any signs) of any stand to be used in the operation of the business;~~
- ~~(iv) A certification by the sidewalk vendor that to his or her knowledge and belief, the information contained on the application is true;~~

- ~~(v) The California Department of Tax and Fee Administration sales tax number, if any, of the sidewalk vendor;~~
 - ~~(vi) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;~~
 - ~~(vii) If operating in State right-of-way, the mobile vendor shall provide evidence of the State's authorization;~~
 - ~~(viii) Proof of insurance policy, issued by an insurance company licensed to do business in the State, protecting the permittee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City;~~
 - ~~(ix) Valid permit issued by the Santa Barbara County Health Department, if the sidewalk vendor intends to sell food or any other item requiring a County Health Department permit.~~
- ~~d. Issuance and fees. Not later than 30 days after the filing of a completed application for a vendor's permit, the applicant shall be notified of the decision on the issuance or denial of the permit.~~
- ~~(i) Fees shall be determined by Council resolution and shall be paid prior to issuance of a permit.~~
 - ~~(ii) Permits to vend shall be reviewed and approved by the Director in conjunction with the City Clerk.~~
 - ~~(iii) Locations for vending shall be approved by the Director.
 - ~~(a) In addition to any locational restrictions found in Subsection C.4.f, vending locations may be further limited by the Director only if the limitation is directly related to objective health, safety or welfare concerns, including but not limited to: the ability of the site to safely accommodate the use; and pedestrian safety.~~
 - ~~(b) Vending locations may change only upon written request by an applicant and approval by the Director.~~~~
- ~~e. Term and renewal. All permits are valid for one year unless revoked or suspended prior to expiration. An application to renew a permit shall be made not later than 60 days before the expiration of the current permit. Permit fees and renewal procedures shall be established in accordance with the Municipal Code.~~
- bf. **Operational standards.** It shall be prohibited for any sidewalk vendor to operate under any of the following conditions:

- (i) Vend between 2:30 a.m. and 6:00 a.m. unless in conjunction with a special event;
- (ii) Leave any stand unattended;
- (iii) Store, park, or leave any stand overnight on any public street, sidewalk, or park;
- (iv) Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons' use;
- (v) Leave any location without first disposing all trash or refuse remaining from sales conducted. Trash and refuse generated by the vending cart operations shall not be disposed of in public trash receptacles;
- (vi) Discharge solids or liquids to the street or a storm drain;
- (vii) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand;
- (viii) Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display capacity of his or her stand where such terms have not been described by his or her application;
- (ix) Solicit or conduct business with persons in motor vehicles;
- (x) Sell anything other than that which he or she is permitted to vend;
- (xi) Sound or permit the sounding of any device that produces a loud and raucous noise or any noise in violation of the City's noise ordinance (LMC Chapter 8.08), or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
- (xii) Vend without the insurance coverage previously specified;
- (xiii) Operate within 50 feet of a fire hydrant or 25 feet of a transit stop;
- (xiv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in residential zones;
- (xv) Vend from the exposed street or alley and/or traffic side of the vending cart;
- (xvi) Operate in a manner that does not maintain four feet of clear space on a public sidewalk;
- (xvii) Operate a stationary vending cart in exclusively residential zones;
- (xviii) Operate a sidewalk vending cart within 500 feet of a certified farmers market or swap meet during the operating hours of that certified farmers market or swap meet;
- (xix) Operate a sidewalk vending cart within 500 feet of any public sidewalk, street, right-of-way, or other public property approved for commercial filming or a temporary event or festival pursuant to Subsections C.1, 2, or 3, except that this prohibition shall not apply within 500 feet of the following events:

- (a) Lompoc Children's Christmas Season Parade, and
 - (b) Lompoc Flower Festival Parade;
 - (xx) Operate in violation of any other generally applicable law;
 - (xxi) Display off-site signs. No signs are allowed, except those approved in the application which identify the name of the product or the name of the vendor and the posting of prices on the cart. Signs with intermittent, flashing, moving, or blinking light, or varying intensity of light or color, are not permitted;
 - (xxii) Operate in any manner that is not in compliance with all requirements of all applicable regulatory agencies.
- cg. Additional operational standards in public parks.** In addition to the operational standards above in Subsection (f), the following shall also be prohibited for any sidewalk vendor operating in a public park:
- (i) Operate outside the hours of operation of the park;
 - (ii) Operate more than six feet from any walking or bicycling pathway in the park;
 - (iii) Operate within 50 feet of any other sidewalk vendor in the park;
 - (iv) Operate on, or within 25 feet of, any sports field or playground equipment area;
 - (v) Utilize any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park in any way as part of the sidewalk vending operation;
 - (vi) Operate within 25 feet of any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park;
 - (vii) Operate a stationary sidewalk vending cart at any time a concessionaire is operating in the park, which concessionaire has signed an agreement with the City for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- dh. Vending cart requirements.** No vending cart shall exceed four feet in width, eight feet in height, or eight feet in length.
- ei. Safety requirements.** All sidewalk vendors that prepare or sell food shall comply with the following requirements:
- (i) All equipment installed in any part of the cart shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
 - (ii) All utensils shall be securely stored in order to prevent their being thrown from the cart or vehicle in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.

- (iii) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment shall be installed so as to be hidden from view to the extent possible and be easily accessible.
- ~~(iv) All heating and cooking equipment shall be inspected annually by a qualified independent service for fuel leaks and condition of piping, brackets, and burners. Evidence of the completion and results of such inspections shall be provided to the City with every application to renew a mobile vending permit.~~
- ~~j. Display of permit. All permits shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.~~
- fk. **Violation of sidewalk vending requirements. Notwithstanding any other provision of this code, a** violation of these sidewalk vending requirements, **other than failure to possess a valid sidewalk vending permit,** is **only** punishable by the following:
 - (i) An administrative fine of \$100.00 for a first violation.
 - (ii) An administrative fine of \$200.00 for a second violation within one year of the first violation.
 - (iii) An administrative fine of \$500.00 for each additional violation within one year of the first violation.
 - ~~(iv) Rescission of a sidewalk vending permit for the term of that permit upon the fourth violation or subsequent violations.~~
- ~~l. Vending without a permit. Vending without a sidewalk vending permit issued by the City of Lompec is punishable by the following:~~
 - ~~(i) An administrative fine of \$250.00 for a first violation.~~
 - ~~(ii) An administrative fine of \$500.00 for a second violation within one year of the first violation.~~
 - ~~(iii) An administrative fine of \$1,000.00 for each additional violation within one year of the first violation.~~
 - ~~(iv) Upon proof of a valid permit issued by the City of Lompec, any administrative fines imposed under this subsection for vending without possessing a copy of the permit shall be reduced to the administrative fines set forth in Subsection C.4.k.~~

- gm.** All fines imposed pursuant to Subsection C.4.~~fk or l~~ above shall be subject to an ability-to-pay determination as described in California Government Code § 51039(f). Concurrently with issuing a citation for such fines to a person, the City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination.
- h. A violation of the sidewalk vending requirements in this Section C.4 shall not be punishable as an infraction or misdemeanor.**
5. **Mobile vendors.**
- a. **Purpose.** This Subsection regulates mobile vending other than in public sidewalks or parks. Mobile vending can promote the public interest by contributing to an active and attractive pedestrian environment. However, reasonable regulation of mobile vending is necessary to protect the public health, safety, and welfare. The purpose of this Subsection is to set forth the conditions and requirements under which mobile vendors may ~~be permitted to~~ operate to protect the public health, safety, and welfare of the residents of and visitors to Lompoc.
- b. **Applicability.** Mobile vending activity may occur within a public or private open space not including a public sidewalk or park (e.g., parking lot, plaza, etc.), or from a vehicle legally parked on the street, in all commercial, mixed use, business park, and industrial zones in compliance with the standards in this Subsection. Mobile vending activity may also occur from a vehicle legally parked on the street in all residential zones, in compliance with the standards of this Subsection. The requirements in this Code shall control over the provisions in LMC Section 5.08.150. The following mobile vendors are not subject to the standards in this Subsection:
- (i) A mobile vending vehicle or pushcart owned or operated by any public agency;
 - (ii) Persons delivering goods, wares, merchandise, fruits, vegetables, or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution;
 - (iii) Vendors participating in farmers markets or other special events as allowed by the City;
 - (iv) An event at a school facility or an assembly use facility, if the vendor is operating in partnership with the organization conducting the event and is located on the site of the event (i.e., not in the public right-of-way); and

- (v) Vendors that only sell, display, solicit, or offer sale of items that are inherently communicative and have nominal utility apart from its communication (e.g., newspapers, leaflets, pamphlets, buttons, etc.).
- ~~c. Vendors permit required. No mobile vendor shall operate without a mobile vendor's permit and business tax certificate.~~
- ~~d. Applications. The application for a mobile vendor's permit shall be signed by the applicant and shall include the following:~~
- ~~(i) The name, home, and physical business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending stand to be used in the operation of the vending business;~~
 - ~~(ii) A description of the type of food, beverage, or merchandise to be sold, as well as hours of operation and any additional information that will explain proposed use;~~
 - ~~(iii) A description and photograph (including signage and colors) of any stand to be used in the operation of the business;~~
 - ~~(iv) Written evidence that the applicant is an owner, lessee, or holder of a similar interest in the mobile vendor vehicle;~~
 - ~~(v) The name and address of all legal and registered owner(s) of the mobile vendor vehicle, and each person with a financial interest in the business that operates the mobile vendor vehicle;~~
 - ~~(vi) The State vehicle license plate number and the vehicle identification number of the mobile vendor vehicle;~~
 - ~~(vii) If operating on private property or on a City-owned parking lot, plaza, or other City-owned area (other than a public sidewalk or park), the mobile vendor shall provide evidence of the property owner's written authorization;~~
 - ~~(viii) If operating in State right-of-way, the mobile vendor shall provide evidence of the State's authorization;~~
 - ~~(ix) For each person with a 10% or greater financial interest in the business that operates the mobile vendor vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of no contest. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a 10% or greater financial interest in the business that operates the mobile vendor vehicle during the term of the permit issued pursuant to this Code shall immediately so notify the Director and comply with this Subsection;~~

- ~~(x) — Proof of insurance policy, issued by an insurance company licensed to do business in the State, protecting the permittee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the City;~~
- ~~(xi) — Valid permit issued by the Santa Barbara County Health Department, if the mobile vendor intends to sell food or any other item requiring a County Health Department permit;~~
- ~~(xii) — Evidence of compliance with Health & Safety Code § 114315(a). Such evidence may include, but is not limited to, written permission from a private business owner for use of the business's toilet and hand washing facility, a printed or electronic map showing the location of a compliant public toilet and hand washing facility, or similar documented evidence of compliance.~~
- ~~e. Issuance and fees. Not later than 30 days after the filing of a completed application for a vendor's permit, the applicant shall be notified of the decision on the issuance or denial of the permit.~~
 - ~~(i) — Fees shall be determined by Council resolution and shall be paid prior to issuance of a permit.~~
 - ~~(ii) — Permits to vend shall be reviewed and approved by the Director in conjunction with the City Clerk.~~
 - ~~(iii) — Locations for vending, within the given commercial, mixed use, business park, industrial, and/or residential zone, shall be approved by the Director.~~
 - ~~(a) — Vending locations shall be designated based on the ability of the site to safely accommodate the use.~~
 - ~~(b) — Vending locations may change only upon written request by an applicant and approval by the Director.~~
 - ~~(c) — All locations of vending stands shall be considered in relation to right-of-way configurations and pedestrian safety.~~
- ~~f. — Term and renewal. All permits are valid for one year unless revoked or suspended prior to expiration. An application to renew a permit shall be made not later than 60 days before the expiration of the current permit. Permit fees and renewal procedures shall be established in accordance with the Municipal Code.~~

- cg. Operational standards.** It shall be prohibited for any mobile vendor to operate under any of the following conditions:
- (i) Vend between 2:30 a.m. and 6:00 a.m. unless in conjunction with a special event;
 - (ii) Leave any stand or motor vehicle unattended;
 - (iii) Store, park, or leave any stand overnight on any public street or sidewalk, or park any motor vehicle other than in a lawful parking place;
 - (iv) Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons' use;
 - (v) Leave any location without first disposing all trash or refuse remaining from sales conducted. Trash and refuse generated by the vending cart operations shall not be disposed of in public trash receptacles;
 - (vi) Discharge solids or liquids to the street or a storm drain;
 - (vii) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand or vehicle;
 - (viii) Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display capacity of his or her stand where such terms have not been described by his or her application;
 - (ix) Solicit or conduct business with persons in motor vehicles;
 - (x) Sell anything other than that which he or she is permitted to vend;
 - (xi) Sound or permit the sounding of any device that produces a loud and raucous noise, or any noise in violation of the City's noise ordinance (LMC Chapter 8.08), or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
 - (xii) Vend without the insurance coverage previously specified;
 - (xiii) Operate within 50 feet of a fire hydrant or 25 feet of a transit stop;
 - (xiv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in residential zones;
 - (xv) Operate within 25 feet of the outer edge of a driveway or vehicular entrance to public or private property in commercial, mixed use, business park, or industrial zones;
 - (xvi) Vend from the exposed street or alley and/or traffic side of the vending cart or vehicle;
 - (xvii) Vend while parked illegally;
 - (xviii) Vend from any street parking space other than a space parallel to the curb;

- (xix) Operate in a manner that does not maintain four feet of clear space on a public sidewalk;
- (xx) Operate in any manner or location that blocks any citizen or service entry or exit from any business or residence;
- (xxi) Operate from any motor vehicle not licensed by the Department of Motor Vehicles;
- (xxii) Display off-site signs. No signs are allowed, except those approved in the application which identify the name of the product or the name of the vendor and the posting of prices on the cart. Signs with intermittent, flashing, moving, or blinking light, or varying intensity of light or color, are not permitted;
- (xxiii) Operate in any manner that is not in compliance with all requirements of all applicable regulatory agencies.

dh. Safety requirements. All mobile vendors that prepare or sell food shall comply with the following requirements:

- (i) All equipment installed in any part of the mobile vending vehicle or cart shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (ii) All utensils shall be securely stored in order to prevent their being thrown from the cart or vehicle in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.
- (iii) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment shall be installed so as to be hidden from view to the extent possible and be easily accessible.
- ~~(iv) All heating and cooking equipment shall be inspected annually by a qualified independent service for fuel leaks and condition of piping, brackets, and burners. Evidence of the completion and results of such inspections shall be provided to the City with every application to renew a mobile vending permit.~~

~~i. Display of permit. All permits shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.~~

~~j. Denial, suspension, and revocation. Any permit may be denied, suspended, or revoked in accordance with Chapter 17.556 (Permit Modification and Revocation) for any of the following causes:~~

- ~~(i) Fraud or misrepresentation contained in the application for the permit.~~
- ~~(ii) Fraud or misrepresentation made in the course of carrying on the business of vending.~~

- ~~(iii) Conduct of the permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.~~
- ~~(iv) Conduct in violation of the provisions of this Subsection C.5, or in violation of the mobile vendor permit.~~

17.404.220 Wireless Telecommunications Facilities

E. Application Requirements.

- ~~11. A traffic control plan when the proposed installation is on any street in a non-residential zone. The City shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g., crane).~~

1142. Applicants for an eligible facility request shall only be required to provide documentation that is reasonably related to determining whether the request is consistent with Federal requirements for eligible facility requests.

Chapter 17.512 Architectural Design and Site Development Review

17.512.020 Applicability

Architectural Design and Site Development Review shall be required for all new buildings or structures and additions and alterations to existing structures with the following exceptions:

- A. Single-family homes in R-1 zones, **and development projects with six (6) or fewer residential units in the R-2, R-3, and MU zones**, that are not part of a subdivision map.
- B. Accessory dwelling units;
- C. Additions of floor area within the existing building envelope;
- 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; and
- E. Alterations and improvements required to meet Federal or State requirements to accommodate persons with disabilities.

17.512.040 Review, Hearing, and Notice

- A. The review authority for an Architectural Design and Site Development Review shall be as follows:
1. **Minor architectural design and site development review.** All projects that do not meet the criteria for Commission review as specified below and are not exempt (See Section 17.512.020 (Applicability)) shall be subject to review and approval or denial by the Director.
 2. **Major architectural design and site development review.** The Commission shall be the review authority for **any of** the following:
 - a. New construction of 2,500 square feet or more or new additions of 2,500 square feet or more; **and**
 - b. New construction with frontage on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue (excluding additions); and
 - c. Any major façade improvements with frontage on Ocean Avenue, H Street (north of Cypress Avenue), or Central Avenue.
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Chapter 17.544 Temporary Use Permits

17.544.030 Exempt Temporary Uses

The following temporary uses do not require a Temporary Use Permit and are not subject to the requirements of this Chapter.

- A. **Approved Assembly Sites.** A temporary event conducted in an approved place of public or community assembly, such as a theater, convention center, meeting hall, sports facility, or public school events on school property.
- B. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
- C. **Emergency Event Shelters.** Temporary shelters to house people that are displaced by an earthquake, explosion, fire, or other calamity are allowed in any zone for a maximum of 30 days in any 90-day period, provided that the facilities are approved by the Building Department prior to use.
- D. **Garage Sales.** Garage sales are regulated under LMC Chapter 5.52.
- E. **Private Parties.** Private non-commercial events/parties held at a residence, meeting facility, church, or similar space.
- F. **Holiday Displays.** Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebrations, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.
- G. **Similar Temporary Uses.** Similar temporary uses, which, in the opinion of the Director, do not require a Temporary Use Permit and are compatible with the zone and surrounding land uses.

- H. Sidewalk Vending and Mobile Vending. Sidewalk vendors, as described in Section 17.404.210.C.4, and mobile vendors, as described in Section 17.404.210.C.5, are not required to obtain a temporary use permit but will require adherence to all operational and safety standards.**
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Chapter 17.552 Permit Implementation, Time Limits, Extensions

17.552.020 Effective Dates of Permits

A. Permits and Approvals.

1. An ~~Administrative Use Permit~~, Architectural Design and Site Development Review, Certificate of Appropriateness, Conditional Use Permit, Minor Use Permit, Minor Modification, Preliminary Development Plan, Reasonable Accommodation, Sign Permit, Sign Program, or Variance shall become effective after 5:00 p.m. on the 10th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 17.612 (Appeals).
 2. A Temporary Use Permit and Administrative Use Permit shall become effective immediately following the actual date the decision is rendered.
 3. A final decision by the Council shall become effective on the date the decision is rendered.
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Chapter 17.628 Property Nuisances

17.628.060 Hearing and Decision by Council

- A. After notice provided pursuant to Section 17.628.~~050~~ ~~040 (Initial Procedures – Notice and Order)~~, (Appeal of Notice and Order – Notice of Hearing to Determine Nuisance), the Council shall conduct a public hearing on the public nuisance and proposed abatement. Public hearings shall be conducted in compliance with Chapter 17.608 (Public Hearings and Noticing), except that noticing shall be conducted in compliance with Section 17.628.050 (Appeal of Notice and Order; Notice of Hearing to Determine Nuisance).
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Chapter 17.704 Definitions of Terms

17.704.020 Terms

Department. The ~~Economic and~~ Community Development Department of the City of Lompoc.

Director. The ~~Economic and~~ Community Development Director of the City of Lompoc or his/her designee.

~~Economic and~~ Community Development Director. See Director.

Review Authority. The individual or official City body (e.g., ~~Economic and~~ Community Development Director, Planning Commission, City Council) identified by this Code as having the responsibility and authority to review, and approve or deny a permit application.

Architectural Review Guidelines

I. Overview

B. Who Does the Reviewing and What is Reviewed?

Architectural Design and Site Development Review shall be required for all new buildings or structures and additions and alterations to existing structures with the following exceptions:

- A. Single-family homes in R-1 zones, and development projects with six (6) or fewer residential units in the R-2, R-3, and MU zones, that are not part of a subdivision map.
- B. Accessory dwelling units;
- C. Additions of floor area within the existing building envelope;
- 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; and
- E. Alterations and improvements required to meet Federal or State requirements to accommodate persons with disabilities.

An application for an Architectural Design and Site Development Review shall be prepared, filed, and processed in compliance with Chapter 17.5-04 (Application Processing Procedures). The Review Authority for an Architectural Design and Site Development Review shall be as follows:

1. **Minor Architectural Design and Site Development Review.** All projects that do not meet the criteria for Commission review as specified below and are not exempt (17.512.020) shall be subject to review and approval or denial by the Director.
2. **Major Architectural Design and Site Development Review.** The Commission shall be the Review Authority for **any of** the following:
 - a. New construction of more than 2,500 square feet of gross floor area or new additions of more than 2,500 square feet of gross floor area; **and**
 - b. New construction with frontage on Ocean Avenue, H Street North of Cypress Avenue, or Central Avenue (excluding additions); and
 - c. Any major façade improvements with frontage on Ocean Avenue, H Street (north of Cypress Avenue), or Central Avenue.

Architectural Review Guidelines

III. Architectural Character/Building Design

B. Residential – Infill

- ~~6. New structures shall not crowd or overwhelm neighboring residences. Creation of a vertical canyon effect between houses must be avoided. When a two-story house is proposed adjacent to a one-story house, the second story shall be further from the property line than the first story.~~

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