



City Council Agenda Item

City Council Meeting Date: February 16, 2021

TO: Jim Throop, City Manager

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

SUBJECT: Consideration of Planning Commission Recommendations for Zoning Code Text Amendments (TA 20-02) to Title 17 (Zoning) of the Lompoc Municipal Code, and Revisions to the Architectural Review Guidelines, Relating to Permit Requirements for Certain Restaurant Alcohol Service, Regulations on Mobile and Sidewalk Vendors and Small Housing Development Projects, Outdoor Storage Height Regulations, Bicycle Parking for Certain Multi-Family Housing Developments, Street Side Yard Setback Fence Height, Temporary Sign Regulations, and Minor Changes to Code Terminology; Introduction of Ordinance No. 1679(21)

Recommendation:

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

- 1) Introduce, for first reading by title only with further reading waived, Ordinance No. 1679(21) that will make the following text amendments to Title 17 of the Lompoc Municipal Code (LMC) and revisions to the City's Architectural Review Guidelines:
 - a) Allow restaurant uses to serve alcohol in the Convenience Center (CC) zone without a Minor Use Permit;
 - b) Removal and revision of certain application requirements and regulations for sidewalk and mobile vendor permits;
 - c) Exempt residential developments of six or fewer units from the requirement for Architectural Design and Site Development Review when located in the R-2, R-3 or MU zones and not part of a subdivision map, and delete certain design guidelines related to massing and setbacks for multiple story infill development;
 - d) Increase the height limit for permanent outdoor storage in the Industrial (I) and Business Park (BP) zones when certain parameters are met;

- e) Bicycle parking exemptions for multi-family housing projects with four or fewer units,
 - f) Increase the limit on fence height in the street side yard setback;
 - g) Edits to outdated or incorrect terminology and code references;
 - h) Minor amendments to the City's Architectural Review Guidelines for consistency with proposed Zoning Code Text amendments related to architectural design/site development review; and
 - i) Various revisions to temporary sign regulations; or
- 2) Provide other direction.

Background:

On December 17, 2019, the City Council adopted a comprehensive update to Title 17 (Zoning) of the LMC. The update concluded a four-year effort to modernize the City's Zoning Code, and address legal requirements and consistency between the 2030 General Plan and the Zoning Code. Following the update, the Planning Commission (Commission) initiated a discussion at the April 8, 2020, public hearing to amend various sections of the newly adopted code. In addition, the City Council recommended revisions to temporary sign regulations that should be added to the Commission initiated amendments, and Planning staff recommended additional minor amendments.

Following numerous discussions and direction from the Commission, a preliminary draft review of the amendments were presented to the Commission on July 8, 2020. Subsequently, on September 15, 2020, the City Council also provided additional direction regarding their recommendations on amendments to temporary sign standards. Following research/coordination by staff with other City, County and State agencies, and public input at additional Planning Commission public hearings on September 9, 2020 and October 14, 2020, the Commission adopted Resolution 935 (20) as shown in Attachment 2, recommending minor Zoning Text Amendments and revisions to the Architectural Review Guidelines.

Discussion:

Staff Analysis:

The following discussion and code analysis below provides an additional explanation for each of the proposed amendments for City Council review and approval. For the specific and entire proposed code text language, refer to the text amendments on Exhibit A of the attached draft Ordinance.

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, and under the current code (LMC section 17.212.030.A), as well as the previous code before the adoption of the new zoning code on December 17, 2019, a restaurant with alcohol sales requires a Minor Use Permit (MUP). The MUP 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). The cost is approximately \$1,400 (which may be increased if the Building and/or Engineering Divisions must also review the application). The Commission recommends making this use “Permitted” instead of requiring an MUP. Permitted businesses only require obtaining a Business Tax Certificate (BTC), which has a fee of approximately \$54.00. This would be beneficial (save time and money) to applicants, but it is not uncommon when serving alcohol in areas near residential to have impacts (noise, traffic, crime, etc.). If an MUP is not required, then 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 a MUP is approved by the Community Development Director, his or her decision can be appealed to the Planning Commission and 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 LMC 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 (MVP). 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 MVP is \$349, valid for one year (like a BTC). Reviewed by various departments and Mobile Vendors must operate in accordance with operational/safety requirements described in the code.

Under LMC 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 recommends maintaining the requirement for a permit for both types of vendors, but recommends streamlining the permitting process and removal of certain regulations. The amendments recommended by the Commission are shown in Exhibit A to the attached Ordinance.

Architectural Review Guidelines / Architectural Design and Site Development Review

Section III of the Architectural Character/Building Design (B. Residential – Infill, #6) section of the Architectural Review Guidelines relating to building mass and setbacks required when two-story homes are located adjacent to one-story homes states:

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 comes up often when reviewing small residential projects (which applies to additions, remodels and new infill construction of four dwellings units or fewer). The Commission expressed concern that this requirement is too burdensome and therefore recommends it be deleted. (See Page 19 of Exhibit A, attached.)

In addition, since the last update of the Zoning Code, smaller projects (such as a duplex) have required review by the Planning Commission. Those smaller projects could have been streamlined with a direct submittal of a building permit if the guidelines and Zoning Code had more flexibility. Therefore, based on discussions with the Commission and Community Development staff, additional flexibility could be included by providing an exemption from Architectural Design and Site Development Review (in addition to the exemption for Single Family homes in the R-1 zone) for residential developments of six or fewer units located in the R-2, R-3 and MU zones that are not part of a subdivision map.

Furthermore, the Commission also recommends minor revisions to the Architectural Design and Site Development Review of the Zoning Code (LMC 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 and Business Park Zones)

There are times during the year that industrial businesses may need to store material higher than the fence/wall line. The Commission recommends the Zoning Code should accommodate that need. Staff discussed the Commission recommendation with the Fire Department. Currently, the Fire Department allows pallet storage up to 20 feet high without a permit, but with a required setback of 10 feet from a lot line.

The proposed amendment to Section 17.216.050 (Additional Standards and Requirements) to allow storage in the Industrial and Business Park zones higher than the existing wall or fence (currently, a maximum height of 8 feet along the side and rear property lines) would allow additional storage height above the existing wall/fence when certain parameters are met.

Those parameters include not being adjacent to residentially zoned property and providing a minimum setback of 10 feet (similar to Fire Code requirements). Additionally, performance standards contained within LMC section 17.304.090 would also apply to permanent outdoor storage.

Bicycle Parking

Currently, the Zoning Code requires bicycle parking in all zones. Two 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 small multi-family projects that have garages for each unit. The Commission recommends requiring no bicycle parking for multi-family housing projects that contain four or fewer units, provided each unit has a fully enclosed garage (with a garage door, not a carport). Under this amendment, no bicycle parking would be required 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). Adopting this LMC revision would still maintain the purpose of the parking standards as described in Section 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 LMC only allows 3 feet). Pursuant to Section 17.304.070.D, height limits would still be required to be maintained at street corners (sight triangle). The Commission recommends allowing additional height (with a maximum of 8 feet) for interior side yard setbacks (non-corner lots) and along an alley.

As a point of clarification, the existing code (Table 17.312.040) cites “All other locations” with a maximum height of 8 feet. This includes side yards that do not adjoin a street, and the rear setback, even if it adjoins an alley. Therefore, the existing code already addresses those conditions. In addition, for those areas (but not in the front setback) that are along busier streets such as an arterial road (Ocean Avenue, Central Avenue, H Street), the Commission recommends allowing an increased height of 8 feet for specific roadway types (i.e. Expressway, Major Arterial and Minor Arterial) which is defined in the code based on the General Plan Circulation Element.

Edit Outdated or Incorrect Terminology and Code References

The Commission reviewed edits to the LMC such as incorrect citations, terminology, and the various edits/corrections are shown in Exhibit A.

Minor Revisions to Sign Standards Related to Temporary Signs

As a City Council request, and as discussed at the September 15, 2020, City Council meeting, there is a desire to provide more flexibility for temporary signs (Section 17.316.070) but specifically for banner signs and yard signs.

A banner sign is “a temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method.” Banner signs (shown in Figure 1 below) are limited to 30 square feet or 10% of the business frontage on which the banner is placed, whichever is greater. All banner signs currently require a sign permit.



Figure 1

A yard sign (shown in Figure 2 below) is “any temporary sign placed in the ground or attached to a supporting structure, posts, or poles that is not attached to any building, not including banners.” Yard signs are limited to 12 square feet with a height of 6 feet on lots that less than one acre, and to 32 square feet with a height of 8 feet on lots that are one acre or larger. Yard signs that are equal to, or greater than, 12 square feet require a permit.



Figure 2

After reviewing City Council’s direction to provide more flexibility when reviewing temporary signs, the Commission recommends the following changes as summarized below.

Summary of Recommended changes to Temporary Banner Signs:

- Increased the maximum sign area from 30 to 36 square feet;
- No sign permit is required if the sign is 32 square feet or less;
- If greater than 32 square feet, a no-fee permit is required;
- Length of time that the banner sign can be displayed has been increased from 30, to 60, consecutive days (twice per calendar year).

Summary of Recommended changes to Temporary Yard Signs:

- Increased allowable number from 1 to 10 per vacant lot;
- Increased sign area (up to 32 square feet);
- No sign permit required.

In regards to the recommended sign area of 32 square feet for yard signs, most sheets of wood are sold in a dimension of 8 feet by 4 feet and are therefore commonly used for temporary signs (including political signs). All of the above revisions are the result of the City Council directing staff and the Commission to review and recommend more flexibility in the regulations and permitting of temporary signs.

Environmental Review

This action is exempt from further review by the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) of CEQA. A Notice of Exemption will be filed following action on this item.

Fiscal Impact:

No funding was allocated in the current budget for the proposed amendments and all work has been completed using existing City staffing. Due to low staffing levels in the Planning Division, the timing of these amendments were affected and completed based on existing workloads and the various additional amendments/requests initiated by the Commission and City Council.

Conclusion:

In order to streamline existing zoning and architectural regulations, promote housing, create a more user friendly code, and correct errors in the previous comprehensive update, staff recommends approval of the various Zoning Code amendments and revisions to the architectural review guidelines as drafted in Ordinance No. 1679(21).

Respectfully submitted,

Brian Halvorson, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Christie Alarcon, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachments:

Attachment 1: Ordinance No. 1679(21)

Attachment 2: Resolution No. 935(20)