



MEMORANDUM
ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

AGENDA ITEM NO. 1

DATE: October 10, 2018

TO: Members of the Planning Commission

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

SUBJECT: Zoning Code Comprehensive Update
GP 17-01 / ZC 15-02

On September 12, 2018, the Planning Commission held a second public hearing to discuss the proposed Zoning Code Comprehensive Update to Title 17 (Zoning) of the Lompoc Municipal Code. No action was taken at this meeting but the discussion on the Zoning Code was continued to the October 10, 2018 public hearing.

For reference, the staff reports from the August 22, 2018 (Attachment 1) and September 12, 2018 (Attachment 2) are attached to this memo.

At the last public hearing, the following items were covered with a consensus from the Planning Commission:

- Define formula restaurants as having 10 or more similarly standardized other locations worldwide.
- Allow Cannabis Testing Laboratories ("Permitted") in the I Zone.
 - Note - this would require an amendment to Chapter 9.36 (i.e., 9.36.120.B).
- Reduce minimum lot width in the R-2 and R-3 zones to 50 feet.
 - Note – The exception in 17.3.04.050.B.2 would be kept, but revised so that it only applies to the 7-R-1 Zone (it would no longer be necessary for the R-2 and R-3 zones).

- Require a 10 foot landscaped setback between the I Zone and residential uses only with new construction of either residential or industrial buildings.
- Cypress Court property (this applies to the Zoning Map; no changes to Zoning Code text)
 - Zone the southern parcel along Cypress R-1
 - Zone the existing residential building portion as R-3
 - Zone the remainder (airspace condos and northern portion) as PCD
- Allow Micro-Alcohol Production with a CUP in the MU Zone.

In addition, the following items needed follow-up work and staff will give a brief presentation at the public hearing for the following topic areas:

- Open Space Zone river and creek setbacks in regards to bike paths and ball fields.
- Permanent outdoor storage height limits included in the Fire Code.

In addition, more discussion at the last hearing occurred regarding John Linn's comments (Attachment 3). Following this hearing, staff routed a copy of Mr. Linn's comments for review by each Commissioner in preparation of further discussion of these comments at the October 10, 2018 Planning Commission hearing. This will allow Commissioners to prepare in advance of this meeting as we finish discussion of these comments and move towards a consensus on these comments.

The Zoning Code discussion will continue for this meeting with the goal to move further through the code while reaching a consensus on Commissioner/public comments that could be formulated into future recommendations to the City Council.

One or two additional Planning Commission public hearings are anticipated in order to finish a full review of the code. Therefore, approval Resolutions have not been attached to this staff memo.

Attachments:

1. August 22, 2018 Staff Report
2. September 12, 2018 Staff Report
3. September 12, 2018 Planning Commission Memo (John Linn Comments)



PLANNING COMMISSION STAFF REPORT

Planning Commission Meeting

DATE: August 22, 2018

TO: Members of the Planning Commission

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

RE: Zoning Code Comprehensive Update
GP 17-01 / ZC 15-02

AGENDA ITEM NO. 1

Planning Commission consideration of a comprehensive update to the Zoning Code including updates to the Land Use/Zoning Map, a General Plan Amendment/Zone Change for sixty-six existing parcels along Ocean Avenue, rescinding the Old Town Specific Plan and comprehensive amendments, reorganization and adoption of a new Title 17 (Zoning) of the Lompoc Municipal Code. An Environmental Impact Report (EIR) Addendum to the 2030 General Plan EIR has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Scope of Review

The Planning Commission is being asked to:

- Consider public input and comments received for the project;
- Determine if the updated Title 17 (Zoning) Lompoc Municipal Code is consistent with the 2030 General Plan and complies with legal requirements; and
- Determine if the required findings in the Resolutions can be made for the proposed changes to the General Plan Land Use/Zoning Map, changes to the General Plan designation and zoning to sixty-six existing parcels and for rescinding the Old Town Specific Plan.

Planning Commission Action

1. Receive public input;
2. Review Draft Title 17 (Zoning) of the Lompoc Municipal Code;
3. Adopt Resolution No. 887 (18) recommending that the City Council:
 - Adopt GP 17-01 amending the General Plan Land Use Map removing the *Office Commercial* designation, change the land use designation for sixty-six parcels from *Office Commercial (OC)* to *General Commercial (GC)*, delete General Plan references to the *Office Commercial* designation and the Old Town Specific Plan;
4. Adoption Resolution No. 888 (18) recommending that the City Council:
 - Amend the Zoning Map to remove the *Commercial Office (CO)* district, change the zoning for sixty-six parcels from *Commercial Office (CO)* to *Planned Commercial Development (PCD)*, the addition of the Planned Development Overlay, Special Event Overlay and H Street Overlay to the Zoning Map;
 - Adopt ZC 15-02 amending Lompoc Municipal Code Title 17 (Zoning);
 - Rescind Resolution No. 4895 (00) for the Old Town Specific Plan; or
5. Provide other direction.

Background

The time period of this comprehensive update began in late 2014 and the key milestones achieved during this effort are listed below:

September 24, 2014	City Council adopted Phase 2 of the 2030 General Plan Update
July 7, 2015	Zoning Ordinance Update contract awarded to Lisa Wise Consulting, Inc. (LWC) of San Luis Obispo
Sept 23 - 24, 2015	LWC conducted stakeholder interviews
October 27, 2015	Joint City Council/Planning Commission Workshop; City Council prioritized the Sign Ordinance Update
January/April 2016	Planning Commission Sign Code Workshops (2)
August 24, 2016	Planning Commission Zoning Districts Workshop
October/November 2016	Planning Commission Sign Code Hearings (2)
December 20, 2016	City Council adopted the Sign Ordinance, effective January 2017
January 25, 2017	Planning Commission Citywide Zoning Regulations Workshop

March 29, 2017	Planning Commission Zoning Administration and Procedures Workshop
April 26, 2017	Planning Commission Commercial Office Zoning District Workshop
May 31, 2017	Planning Commission Food Service in the Industrial Zones Workshop
March 28, 2018	Public Open House on the Draft Zoning Code Update
May 30, 2018	Joint City Council/Planning Commission Workshop on the Draft Zoning Code Update

Conformance with General Plan

The General Plan provides long-term, overarching policy guidance for Lompoc. It acts as a constitution to guide decisions on growth and development by identifying the general types of allowable land uses and pattern of future development. The primary tool to implement the goals and policies of the General Plan is the Zoning Ordinance, which is required to be consistent with the General Plan and applicable state and federal laws.

The 2030 General Plan includes various policies and measures related to the Zoning Code, including:

- Promote revitalization and mixed-use (Land Use Element Policies 3.2, 8.3, and 8.4)
- Create a new H Street Overlay and associated standards (Land Use Element Policy 1.7)
- Update allowed densities (Land Use Element Measure 10)
- Encourage housing development (Housing Element Policy 1.1)
- Expedite permit processing for the H Street corridor (Land Use Element Measure 12)
- Create a Landmark designation process (Conservation and Open Space Element Policy 2.9)
- Allow wine tasting uses in industrial zones (Land Use Element Measure 13)
- Incorporate inclusionary housing requirements (Housing Element Measure 19)

The updated Zoning Code would implement over 54 goals, policies and measures of the General Plan through various tools and standards, such as zoning districts, allowed land uses, development standards (e.g., setbacks, building height, parking, landscaping, specific use standards, etc.), and permit procedures. Additional General Plan policies and measures that are implemented through the updated Zoning Code are discussed in the *Discussion* section of this report.

A General Plan amendment is proposed to remove the Office Commercial Land Use Category, which would result in the proposed zones being consistent with the General Plan. This is further discussed under the *Zoning Map Update* in the *Discussion* section of this report. Also, the General Plan would need to be updated to reflect the elimination of the Old Town Specific Plan.

Zoning Code Update Objectives

The following are overarching objectives for the Zoning Code Update as identified by the City and stakeholders:

- Implement the General Plan
- Comply with legal requirements
- Develop clear and enforceable regulations
- Create a user-friendly Code
- Address stakeholder input

These objectives were followed during the preparation of the comprehensive update to the Zoning Code.

Discussion

The overall format and structure of the Zoning Code has been updated to be more user-friendly, organized, and streamlined. Tables and graphics have been added throughout the Code to ensure standards are complete and clear. Cross-referencing has been incorporated to allow users to find related sections and standards within the Code.

The Code has also been modernized. Outdated uses have been replaced with uses that provide more flexibility over time (e.g., general retail) and are compliant with legal mandates (e.g., residential care homes, accessory dwelling units). The application of Minor Use Permits (MUPs) has been expanded so Conditional Use Permits (CUPs), which are approved by the Planning Commission, are only required where appropriate. Current best planning practices have also been incorporated as appropriate and tailored to Lompoc (e.g., parking standards, nonconforming provisions).

A discussion of key issues and revisions to the Zoning Code is provided below.

Food Service in the Industrial Zones

Throughout the Zoning Code Update process, the desire for food service and accommodating special events in the industrial zones, specifically the Wine Ghetto, was raised. In response, food service, restaurants, and outdoor dining are allowed in the industrial zones with Staff approval (Table 17.2.16.030.A). As directed by the City Council on May 30, 2018, there is no cap on the size of restaurants in the industrial zones provided that enough parking is available at the site. Also, there is no size limitation for wine tasting rooms that are an accessory use in the industrial zones. Food service is allowed with a Special Use Permit consistent with the recently adopted Ordinance (Ordinance No. 1650(18)).

An overlay specific to the industrial zones, the Special Event Overlay (SEO), has been included to facilitate permitting for special events in the industrial zones. Also, mobile vendors, such as food trucks, will be able to operate in the industrial zones (as well as commercial and mixed-use zones) with a Temporary Use Permit, which is approved by Staff.

Mobile Vendors

The draft code includes a section (Specific to Use Standards, Chapter 17.4.04.190.C4: Mobile Vendors) allowing mobile vending on public streets and sidewalks. Although this section outlines regulations for mobile vending and conditions/requirements for operation, this section is not final and revisions to this section will be presented at the next public hearing.

Land Use/Zoning Map Update

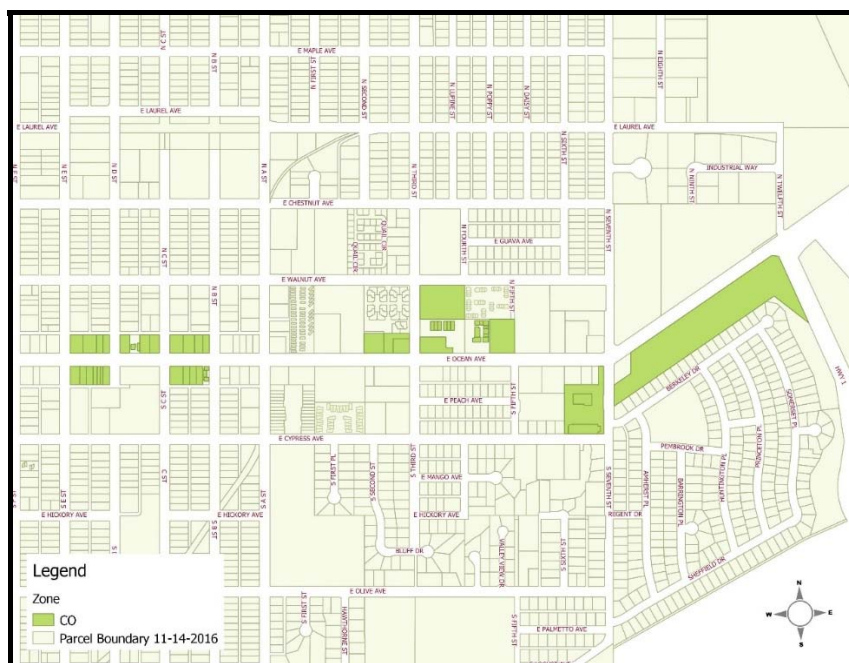
The General Plan Land Use and Zoning Map will be updated based on changes proposed to the General Plan designations and Zoning districts and overlays included in the Code.

Since the updated Zoning Code eliminates the General Plan designation of OC (*Office Commercial*) and the *Commercial Office* (CO) Zoning district and adds a new overlay (*Special Event Overlay, described under Food Service in the Industrial Zones*), the General Plan Land Use and Zoning Map, and associated General Plan text would need to be updated to reflect the removal of these designations. These designations are proposed to be removed based on public feedback throughout the comprehensive Zoning Code update process to consolidate commercial zones, including a public workshop held April 26, 2017 where all owners of these parcels were noticed.

There are currently 66 parcels (as shown in the map below) currently with the OC General Plan designation and a CO Zoning District that are proposed to be amended to a *General Commercial* General Plan designation and re-zoned with the *Planned Commercial Development* (PCD) Zone.

The C-2 (Central Business) District would be re-named CB (Central Business) and the CB Zone standards would apply in the PCD Zone unless a Preliminary Development Plan is approved that allows for deviations from the CB Zone standards.

Parcels with an OC General Plan designation and a CO Zoning District



Creation of Non-Conforming Use

As a result of eliminating the General Plan designation of OC and CO it is important to note that two properties (APN's: 085-150-089 & 085-150-090) would result in the creation of a non-conforming residential use.

This is due to the fact that residential is currently allowed as a Conditional Use in these designations but not allowed in the *Neighborhood Commercial* (NC) and *Planned Commercial District* (PCD) designations. The property that would become non-conforming is an existing affordable senior residential apartment complex known as Cypress Court located at 125 South 7th Street (as shown in the map below). Although creating a non-conforming use is not preferred, it was necessary in order to provide more flexible and a better variety of land uses allowed along Ocean Avenue and H Street. If this non-conformity is not desired by the Planning Commission, other options include considering rezoning this parcel to a residential use (*High Density Residential*) or creating a new overlay (similar to the *H Street Overlay*) that would allow mixed-use projects.

Cypress Court Property



Elimination of the Old Town Specific Plan

The Old Town Commercial (OTC) Zone and the Old Town Specific Plan (OTSP) include development standards that are applied to the same area of Lompoc. After the OTSP was adopted, the OTSP standards were adopted into the Zoning Code (OTC Zone).

As such, the OTC Zone and OTSP exhibit excessive duplication, with only minor differences. Based on feedback from members of the public, Planning Commission, and City staff during the comprehensive Zoning Code Update process, the OTSP has been incorporated into the Code. It is, therefore, recommended that the OTSP be rescinded as described in the attached Resolution and the General Plan text that refers to the OTSP revised.

H Street Overlay Standards

New standards for the H Street Overlay (HSO) are proposed to implement the H Street Corridor General Plan designation, including the General Plan requirement that development place buildings adjacent to H Street with parking behind (Land Use Element Measure 23). HSO standards include:

- Minimum building height of 20 feet (same as OTC Zone)
- Build-to-area requirement (same as the OTC Zone), which requires 60 percent of the linear build-to-area along H Street to include a building, and 40 percent for all other streets. The build-to-area is five feet wide and begins five feet from the street lot line (Table 17.2.24.040.A and Figure 17.2.12.040.1). The build-to-area begins five feet from the street lot line as directed by City Council on May 30, 2018 to ensure adequate visibility and safety for vehicles, bicyclists, and pedestrians. These standards may be waived if plazas, courtyards, outdoor eating areas, alternative building entry features, or other desirable design is provided, or mature trees or landscape would be preserved.
- Building transparency (same as the OTC Zone), which requires 50 percent of a first-floor building wall within 20 feet of a street or public area to have windows, doors, or other openings, and cannot exceed more than 25 feet without an opening (17.2.24.050.E.2 and Figure 17.2.12.050.1). These standards may be waived if architectural detail or landscaping creates visual interest at the pedestrian level.
- Pedestrian connections within a site, to streets, transit, and neighbors to the extent feasible (17.2.24.050.E.4)
- Maximum block length of 400 to 600 feet to improve connectivity and walkability (17.2.24.050.E.5)
- Open space requirements for large projects (50,000 square feet of non-residential floor area on sites of two acres or more) (17.2.24.050.E.6)

Also, multi-family residential uses are permitted uses in the HSO, but cannot be located on the first floor within 30 feet of an H Street intersection unless the residential use does not face the street and is accessed from the rear of the building (Table 17.2.24.030.A). This ensures ground floor space is preserved along street intersections for commercial uses.

These standards implement the General Plan's guidance for H Street, including:

- H Street Corridor Infill Area Purpose: *The intent is to provide a combination of economic incentives and policy support for the revitalization of this area and for a more efficient, attractive, and pedestrian-friendly built environment.*
- H Street Corridor Infill Area Description: *Areas which provide a harmonious intermingling of pedestrian-oriented uses to meet the shopping, business, housing, and entertainment needs of City and regional residents with accommodations for access by automobiles, bicycles, and pedestrians alike. Vehicular parking is typically provided on-site with single-level and multi-level parking areas while still adhering to aesthetic considerations and design principles that invite pedestrians and bicyclists.*
- Land Use Element Policy 3.5: *The City shall encourage development and redevelopment of the H Street Corridor Infill Area and the Old Town Specific Plan Area to revitalize these areas and provide a diverse and vibrant focal point for business. New commercial and mixed use development should be encouraged, and such new development should incorporate site design and layout that provides an inviting pedestrian-oriented environment in keeping with the Urban Design Element, Old Town Specific Plan, and the H Street Corridor Infill Overlay standards, as applicable, to encourage similar development in these areas.*

Special Event Overlay Zone

As discussed in past stakeholder meetings and workshops, there has been a need to allow more flexibility in regulations in areas of the City that have a base industrial zone (I Zone or BP Zone) but are frequented by tourists and visitors for wine tasting and related activities. Therefore, the *Special Event Overlay* (SEO) Zone was created. The SEO Zone is intended to facilitate special events in these areas while allowing two events per tenant in a calendar year quarter.

Old Town Commercial Zone

As described in the *H Street Overlay Standards*, the OTC Zone includes some similar standards to the HSO (e.g., minimum building height, build-to-area, building transparency). Due to the built character of Old Town, a corner build-to requirement is also included. This requires buildings to be placed along the street when within 25 feet of a street corner on H Street or Ocean Avenue. Placing buildings in a manner that frame and directly engage the street helps to create a walkable environment that enhances pedestrian activity consistent with the General Plan guidance for Old Town:

- OTC Purpose: *To provide pedestrian-oriented commercial areas made up of street-front stores and offices that have sufficient variety and depth of goods and services to meet the retail, business, and cultural needs of the residents of the City and region.*

- Urban Design Element Policy 2.2: *The City shall ensure that all development in the Old Town area is designed in a manner that maintains, encourages, and enhances pedestrian activity between various uses and activities. This includes the design of buildings, street corridors, plazas, and pedestrian spaces.*

Certain OTC standards have been revised to be more flexible compared to current standards based on feedback throughout the Zoning Code Update process. For example, a multi-family residential use is allowed on the first floor, if it is not facing H Street or Ocean Avenue and access is provided in the rear of the building (Table 17.2.12.030.A).

Also, as directed by City Council on May 30, 2018, the OTC Zone provides flexibility for lots that are or have been previously used for drive-through or automobile uses (i.e., sales, rental, and repair), which would otherwise be considered nonconforming uses. These lots would be identified on a City registry and the drive-through or automobile uses would be allowed to be reestablished. Nonconforming structure provisions would still apply, but these uses would be exempt from nonconforming use provisions (17.6.20.090.D). This will allow for the reuse of existing buildings and encourages reinvestment on properties where these uses are occurring since the use will not be subject to the nonconforming use limitations.

Parking Standards

Some parking rates are proposed to remain unchanged per the joint City Council/Planning Commission workshop held on May 30, 2018. Medical office, community assembly, and wine tasting rooms and production would remain unchanged. However, others have been revised to generally be more progressive (i.e., with lower parking rates). This would include general office, outdoor dining, general retail (based on net floor area instead of gross) and industrial manufacturing/processing uses. The number of required parking spaces may be reduced through various alternatives and incentives, including shared parking, proximity to transit, off-site parking, and on-street parking (17.3.08.070). For example, a parking reduction of up to 10% shall be approved for any use within an eighth of a mile of a transit stop, and a reduction of up to 50% of on-site parking may be approved with a Use Permit provided the number of spaces that is eliminated as an on-site requirement is provided through off-site parking. Loading requirements have not been included as this is intended on a case-by-case basis through conditions, other than landscaping/screening requirements for parking and loading areas (17.3.12.050).

Motorcycle spaces have been reduced to a more reasonable rate as the current requirement required an excessive amount of motorcycle spaces that could have been utilized for regular vehicle parking spaces. Flexibility has been included for outdoor dining areas where the outdoor area is 50% or less of the indoor dining floor area (i.e., area used for table and chairs). In addition, flexibility has also been given to outdoor wine tasting which would not require parking when it is not associated with a restaurant.

Noise

Comments regarding noise standards such as the need to streamline the standards were raised at the May 30, 2018 Joint City Council/Planning Commission Workshop. Although noise standards proposed in the Code (17.3.04.090.I) are consistent with those standards in the General Plan, revisions to Lompoc Municipal Code Title 8 (section 8.08) are needed for consistency. Following discussion with the City Attorney, revisions to noise standards in order to streamline noise requirements would need to be conducted separately from the Zoning Code Update to allow for additional environmental (CEQA) analysis that would be required to amend section 8.08 of Title 8. These amendments will be made at a later date.

Wireless Telecommunications Facilities

Wireless telecommunications facilities standards are subject to Federal regulation. The City Attorney has reviewed the proposed standards for wireless telecommunications facilities in the Zoning Code Update (17.4.04.200), which apply on private property. Wireless telecommunications facilities located in the City's right-of-way will be addressed in a separate ordinance amending Lompoc Municipal Code Title 12 (Streets, Sidewalks and Public Places) at a later date. However, the Zoning Code would still require design review (Architectural Design and Site Development Review, Chapter 17.5.12) for facilities proposed within the City right-of-way.

Storage Containers

Standards for temporary uses are included in 17.4.04.190 of the Zoning Code and storage containers are specifically discussed in C.8 (page 17.4.04-52). The Code requires a Temporary Use Permit (TUP) for storage containers, including cargo containers or semitrailers; however, storage containers placed by the City within a City Park are exempt from the TUP if screened.

Sign Code

The Sign Code was updated and adopted in 2016 and has been effective for over a year. Minor revisions are incorporated into the sign regulations, Chapter 17.3.16, to adjust the standards based on the City's experience implementing the sign standards since 2017.

Architectural Design Guidelines

The Architectural Review Guidelines is a document to help guide development and examines a project's layout with its relationship to the neighborhood as well as the effect the development will have on the overall quality of life in Lompoc and a project's design appearance.

The guidelines are still in effect. However, if conflicts occur between requirements of this Code and the guidelines, the most restrictive requirements shall apply. Staff has identified approximately 15 discrepancies related to the sign section of the Zoning Code and specific signage requirements in the guidelines. Therefore, at a later date, the Architectural Review Guidelines will be amended to be consistent with the proposed Zoning code.

Environmental Determination

The City Council certified the Final Environmental Impact Report (FEIR) during the adoption of the 2030 General Plan on October 19, 2010. An Addendum to this FEIR has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and has been circulated for public review beginning August 10, 2018 and ending on September 10, 2018. This Addendum is the sixth Addendum to the 2030 General Plan FEIR. An Addendum to an EIR is appropriate when only minor technical changes or additions are necessary, and no substantial changes are proposed or new information available that would require major revisions to the EIR. The EIR Addendum analysis determined that no new or more severe environmental impacts beyond those disclosed in the Final EIR would occur as a result of the proposed comprehensive Zoning Code update. A Notice of Determination will be filed following action on this project by the City Council.

Noticing

Notices were mailed to interested parties and posted to the City's website (public hearing notices) on August 10, 2018. A notice was also published in the Lompoc Record newspaper (editorial section) on August 12, 2018.

Attachments

1. Resolution 887 (18) for General Plan Amendment GP 17-02
2. Resolution 888 (18) for Zone Change ZC 15-02
3. Public Hearing Draft Zoning Code

(Routed to Planning Commission and City Council on August 3, 2018 and available on the City's website at:

http://www1.cityoflompoc.com/departments/comdev/ProjectUpdates/ZoningOrdinance/LWC_Lompoc_Compiled%20Code_072718_sm.pdf

4. Environmental Impact Report Addendum
5. Public comments received
6. Comments from Commissioner Ron Fink

Staff Report has been reviewed and approved for submission to the Planning Commission	
Date:	Date:
Teresa Gallavan Economic Development Director	Brian Halvorson Planning Manager



MEMORANDUM
ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

AGENDA ITEM NO. 2

DATE: September 12, 2018

TO: Members of the Planning Commission

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

Teresa Gallavan, Economic Development Director/Assistant City Manager
t_gallavan@ci.lompoc.ca.us

SUBJECT: Zoning Code Comprehensive Update
 GP 17-01 / ZC 15-02

On August 22, 2018, the Planning Commission held a public hearing to discuss the proposed Zoning Code Comprehensive Update to Title 17 (Zoning) of the Lompoc Municipal Code. The staff report for this meeting is shown as Attachment 3 to this memorandum and is also available on the City's website. During the meeting, Division 2 of the code was discussed and public input and comments were received for the project.

At this meeting, the Planning Commission formulated draft recommendations for future consideration by the City Council and directed staff to further research particular areas of the draft code that needed clarification or consideration of revisions after follow-up work was completed and presented by staff to the Commission at the next meeting.

The following areas were discussed and needed further research and/or follow-up by staff:

- **30-foot setback in the Open Space Zone from Rivers/Creeks**

The Commission inquired about where this setback originated from and staff found that this requirement came from the General Plan Land Use and Conservation/Open Space Elements.

These elements contain goals/policies and implementation measure that promotes the protection of riparian areas and impacts to sensitive environmental features such as rivers and creeks.

Specifically, Land Use Table LU-1 (page LU-17) in the General Plan Land Use Element requires setbacks from the Santa Ynez River to be 100 feet and 50 feet from the Salsipuedes, San Miguelito, Sloans Canyon, and Davis Creeks. The setback will be revised in the Zoning Code to be consistent with the City's General Plan.

- **Cannabis testing laboratory**

Concerns of odor and chemicals used in Cannabis laboratories were discussed. The General Plan Conservation/Open Space element requires an Odor Abatement Plan for developments that generate odor. This plan addresses contacts responsible for addressing complaints of odor, a description of potential odor sources, methods to reduce and minimize odor, equipment to control air pollution, and contingency measures to curtail emissions in the event of a continuous public nuisance.

As drafted, a Cannabis Testing Laboratory is a Permitted use in the Central Business (CB) and Planned Commercial Development (PCD) zone and would not require a public hearing (the use is prohibited in the CC and OTC zone). Consideration of requiring a CUP in the CB and PCD was discussed but the Commission wanted more information about this use concerning Fire/Building Department requirements. After consulting with the Building and Fire Departments it was not clear whether building/fire codes would effectively mitigate all potential hazards associated with allowing a Cannabis Testing Laboratory. On the other hand, the amount of hazardous materials such as volatile gases used in Cannabis testing and stored on-site is reported to be relatively small. In addition, a Business Plan is not required by the Department of Toxic Substances Control (DTSC) for small amounts of hazardous materials. Furthermore, significant alterations (and associated costs) of existing commercial structures can be expected to be required to ensure necessary building and fire code requirements are met in these structures that are utilized for Cannabis Testing Laboratories.

- **Non-conforming residential lot widths**

There was a discussion about non-conforming lots and the potential to allow flexibility with required lot width of 60 feet (R-2 zone) and 70 feet (R-3 zone). The lot width requirement would only apply to *new* lots created, not existing lots.

Staff completed an inventory of these lots and currently there are approximately 928 lots zoned R-2/R-2PD and approximately 556 lots zoned R-3/R-3PD.

The Commission mentioned potentially reducing the lot width to 50 feet (to allow the option for a larger lot to be subdivided). Of these lots, approximately 277 lots have a lot width of approximately 100 feet.

On the other hand, if the 65 foot lot width was retained, there are 168 lots (of the 277 lots) that are between 100 feet and 130 feet in width. Only lots that had a minimum width of 130 feet would be allowed to be subdivided into two lots but only if lot depth requirements are met.

Staff would like to reiterate that any new lot created would still need to meet the minimum lot depth and lot area requirements. The lot depth and area are in the code to allow enough room for parking/circulation, required setbacks/open space and to accommodate future additions.

- **Planned Commercial Development (PCD) Zone lot area**

The minimum lot area requirement for land zoned PCD was discussed and the size was questioned by the Commission. Staff completed an inventory of lots with this zoning designation and determined there are approximately 205 PCD lots, 15 lots of these lots are under 10,000 square feet, and 137 lots are greater than 10,000 square feet in size. Since the PCD zone is intended for larger commercial centers (such as regional shopping centers) along high volume roadways, the 10,000 square foot minimum seems reasonable. Furthermore, the smaller lot sizes (7,000 and 5,000 square feet) are contained within the CC, CB and the OTC zones.

- **Industrial (I) / Business Park (BP) Zone landscaped setbacks adjacent to Residential**

This requirement needed further follow-up and it was determined this was a carry-over from General Plan Land Use Element Policy 2.3 which requires a permanent buffer as part of new residential development adjacent to commercial or industrial uses (except mixed-use may be appropriate). Staff recommends that the timing of the installation be revised from *Certificate of Occupancy* to *Certificate of Occupancy of new residential construction*.

- **Permanent outdoor storage height in Industrial (I) Zone**

A discussion about the need for a 10-foot setback for permanent outdoor storage was expressed. Based on staff's coordination with the Fire Department, there is also a 10-foot setback requirement for outside storage of combustible materials as part of the California Fire Code. The Fire Code has an exception for this setback requirement to allow the setback to be reduced to 3 feet for storage not exceeding 6 feet in height. As proposed, the zoning code does not use the term "*combustible*" and does not have the exception but if the Commission desires this revision, a recommendation to the Council to this effect could be made.

Staff has provided the above summary to enable the Commission to discuss these items further in a public hearing setting before considering additional recommendations to the City Council.

The following revisions to the draft Zoning Code were made as recommendations by the Planning Commission to the City Council:

- **Field/Tree Crop production in the R-1 Zone should be allowed with a Conditional Use Permit (CUP)**

Due to the commercial nature of this use as described in the land use types definition of the code, a CUP was more appropriate in this zoning district due to the potential impacts on surrounding residential uses.

- **Require a Minor Use Permit (MUP) instead a CUP for General Retail uses greater than 5,000 square feet in the Old Town Commercial (OTC) Zone**

In order to bring more incentives to occupy existing vacant buildings and encourage more construction with less permitting requirements (and costs) in the OTC area, a MUP is recommended. The CUP requirement could discourage larger retailers from locating in the OTC zone which is not what the Planning Commission recommends.

- **Outdoor dining in all Commercial Zones should be Permitted instead of requiring a MUP**

In order to provide more flexible regulations (and encourage outdoor dining) and due to the fact that there is already a provision in the draft code to exempt outdoor dining that does not exceed 50% of the interior dining area, revising this use to be permitted instead of requiring a CUP is appropriate.

- **Opaque exterior windows should be required for medical uses**

This revision was recommended to preserve privacy of patients in specific buildings that have medical uses.

- **Add “Alcohol” to the Manufacturing/Processing land use types definition**

A discussion about the Micro-Alcohol Production land use type raised a concern that if a business producing alcohol did not fit the “Micro-Alcohol” definition that larger scale alcohol production may not be allowed. Therefore, amending the *Manufacturing/Processing, Light/Medium* definition would accommodate a larger alcohol facility that may not fit the definition of Micro-Alcohol Production.

- **Equipment rental in the Industrial Zone should be a Permitted use**

More flexible permitting is recommended in the Industrial zoning district that should encourage equipment rental to be located in this zone instead of the BP zone.

- **Accessory uses should be defined and allowed to occupy 20% of a site (if parking requirements can be met) instead of a 15% limitation**

This would allow more flexibility for accessory uses while still maintaining required parking requirements.

In addition, it was brought up that wine tasting is no longer limited to 15% of an existing building (industrial/business park zones) so allowing other accessory uses to be greater than 15% was reasonable.

- **Mixed Use (MU) Zone:**

General Retail (greater than 5,000 square feet) should be allowed with a MUP, not a CUP

This requirement is a carry-over from the current Zoning Code. The Commission continues to desire more flexible regulations in the MU zone therefore allowing this use with an MUP instead of a CUP was recommended.

- **Lot width in the MU Zone should be reduced from 75 feet to 50 feet**

Staff did an inventory of existing MU lots and found that there are approximately 132 lots zoned MU. The average lot width is 61.5 feet and 18 of these lots are over 100 feet in width. The draft required lot width of 75 feet would only apply to new MU lots created. Therefore, 18 lots would benefit from a smaller lot width requirement if these lots were to potentially be spilt into two lots and no minimum lot depth is required in this zone.

- **A Parking lot, parking structure, and passenger transportation facilities should be allowed with a MUP instead of a CUP in the H Street Overlay (HSO) zone.**

Again, in order to provide more flexible regulations, revising this use from a CUP to a MUP was recommended. Since the HSO is located along Highway 1 serving as a major transit corridor, this revision would be appropriate.

- **Prohibition of “formula” restaurants in the Industrial and Business Park zoning districts of the City.**

The Commission expressed the need to preserve and promote the unique character and atmosphere of the City’s Industrial and Business Park zoning districts that contain boutique wineries and wine tasting rooms and therefore recommended that chain restaurants or “*formula restaurants*” be prohibited in this area. “Formula restaurants” are virtually identical to restaurants in other communities as a result of standardized menus, ingredients, food preparation, decor, uniforms, and the like and would detract from the uniqueness of the Lompoc winery and wine tasting areas, reducing the appeal of those areas as a unique tourist destination.

Therefore, Resolution No. 888 (18) includes findings supporting this prohibition and General Plan policies/goals which are appropriate to prohibit the establishment of formula restaurants in the Industrial and Business Park zoning districts of the City.

The draft code includes a definition of “formula restaurant” at Section 17.7.08.020.E., as follows: “A restaurant devoted to the preparation and offering for sale of food and/or beverages for consumption either on or off the premises, which (1) offers any of the following: standardized menus, ingredients, food preparation, decor, uniforms, or similar standardized features, and (2) has five (5) or more similarly standardized other locations worldwide.”

Staff seeks direction from the Planning Commission on whether this should be changed to “10 or more” other locations worldwide, or some other number. A “5 or more” standard could prohibit some regional chains. The Commission may feel that regional chains with five to nine other locations do not detract from the uniqueness of the Lompoc winery and tasting areas.

Lastly, based on the discussion at this meeting, minor revisions such as typos, text clarifications and code graphics were also recommended by the Commission.

Based on the above follow-up work completed by staff and the Planning Commission recommendations made at the August 22, 2018 public hearing, the following actions will be considered:

Planning Commission Action

1. Receive public input;
2. Review Draft Title 17 (Zoning) of the Lompoc Municipal Code;
3. Adopt Resolution No. 887 (18) recommending that the City Council:
 - Adopt GP 17-01 amending the General Plan Land Use Map removing the *Office Commercial* designation, change the land use designation for sixty-six parcels from *Office Commercial (OC)* to *General Commercial (GC)*, delete General Plan references to the *Office Commercial* designation and the Old Town Specific Plan;
4. Adoption Resolution No. 888 (18) recommending that the City Council:
 - Amend the Zoning Map to remove the *Commercial Office (CO)* district, change the zoning for sixty-six parcels from *Commercial Office (CO)* to *Planned Commercial Development (PCD)*, the addition of the Planned Development Overlay, Special Event Overlay and H Street Overlay to the Zoning Map;
 - Adopt ZC 15-02 amending Lompoc Municipal Code Title 17 (Zoning);
 - Rescind Resolution No. 4895 (00) for the Old Town Specific Plan; and
 - Prohibit the establishment of formula restaurants in the Industrial and Business Park zoning districts of the City.
5. Provide other direction.

Attachments:

1. Resolution 887 (18) for General Plan Amendment GP 17-02
2. Resolution 888 (18) for Zone Change ZC 15-02
3. August 22, 2018 Planning Commission Staff Report



PLANNING COMMISSION STAFF MEMO

DATE: September 12, 2018
TO: Members of the Planning Commission
FROM: Brian Halvorson, Planning Manager
RE: Comments on Draft Zoning Code

On September 7 and September 10, 2018, Planning Manager Brian Halvorson and Principal Planner, Greg Stones met with John Linn to discuss his comments on the Public Hearing Draft of the Zoning Code.

Attached is a compilation of items reviewed, broken into sections:

Section No. 1 – Staff Agrees

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

Section No. 3 – Review by City Attorney

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 1st 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 "4th 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 2nd 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*)