



**MEMORANDUM**  
**ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

**AGENDA ITEM NO. 1**

**DATE:** October 24, 2018  
**TO:** Members of the Planning Commission  
**FROM:** Brian Halvorson, Planning Manager  
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**SUBJECT:** Zoning Code Comprehensive Update  
GP 17-01 / ZC 15-02

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On October 10, 2018, the Planning Commission held a third 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 24, 2018 public hearing. For reference, staff reports from the last three Planning Commission hearings including public comments received have been attached to this memo.

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

- **A new vote was taken (3-0) to avoid conflicts of interest with Commissioners regarding the Cypress Court property (this applies to the Zoning Map; no changes to Zoning Code text) and confirmed the following Zoning for this property:**
  - 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

Although a consensus was obtained on the Zoning designations, a short discussion is needed on what General Plan designation (VLDR or LDR) and the associated density (2.2, 2.5, 4.6 or 6.2 dwelling units/acre) that should apply to the R-1 portion of this property.

- **Revise Section 17.2.16.050A2 relating to Permanent Outdoor Storage in all Industrial Zones by striking the reference “*within 10 linear feet of the wall or fence*” and instead add wording that the outdoor material storage shall be located at a distance that complies with the California Fire Code.**

After a lengthy discussion, the Commission recommended not specifying a setback requirement for permanent outdoor storage and instead rely on the Fire Code to determine the safest distance needed for outdoor storage. The Fire Department may require a permit for certain types of outdoor storage but this would be determined after the Fire Department has reviewed all the parameters associated with each outdoor storage proposal.

- **Provide an exception in the code for channelized water courses (i.e. the V Street Channel) when applying the required setbacks from Rivers and Creeks.**

Since the required setbacks from rivers and creeks also applies to bike trails and ball fields, the Commission recommended more flexible regulations since some of these amenities (such as the existing bike trail along the V Street channel) are not located outside this setback requirement.

- **Require masonry walls for Industrial uses (new construction) adjoining residential uses.**

The Commission did not think a wood fence would be a sufficient barrier (in terms of noise and/or privacy) between industrial and residential uses and therefore recommended solid masonry walls be required between these uses.

- **Change the Industrial Buffer (Section 17.3.12.040F1) from “adjacent” to “adjoining”.**

The Commission discussed the difference between adjacent and adjoining and which term to use when applying the Industrial buffer. After staff clarified these terms, the Commission decided to use “adjoining” which provides more flexibility in the code and would not require the buffer for residential properties located across the street from Industrial uses.

- **Reduce wall screening heights (Table 17.3.12.040C) for Industrial zones from 8 feet to 7 feet, and from 8 feet to 7 feet for Industrial zone lot lines that are adjacent to a residential zone.**

A discussion of the benefits (safety/aesthetics/noise attenuation/screening/access for emergency responders) of varying wall heights occurred between the Commission, staff, the Building Official and Fire Marshall. In short, each department considers different factors when recommending appropriate wall heights. After hearing public comment, input from staff and Commissioners, a 7-foot maximum wall height was recommended by a majority of the Commission.

- **Retain the ability to consider (but not require) peer review of parking studies when the review authority considers approving additional reductions in the number of required parking spaces.**

This section does not require peer review but there may be instances where the expertise for the review of certain traffic studies will need peer review where City staff does not have the relevant expertise. In this case, a consultant paid by the applicant making the parking reduction request would be required. Retaining the wording of the proposed code would allow peer review when needed.

- **The timing of the installation of landscape/irrigation improvements (Section 17.3.12.020C) will remain as currently worded in the proposed code.**

There was a discussion regarding changing “*Certificate of Occupancy*” to “Final Certificate of Occupancy” when determining when these improvements must be installed (which must be installed prior to this certificate issued by the Building Department). At the last public hearing, the Building Official recommended leaving the wording “*Certificate of Occupancy*” and not adding the word “Final”.

- **Do not add specific fire resistive plant types in Table 17.312.040.B (Required Screening Types).**

Plant types that are fire resistive would be determined by a licensed Landscape Professional and verified by staff during the landscape plan review process.

- **Changes in the sign code will be made to allow “multi-parcel center signage” without considering this type of signage as “off-premises” signage.**

It is not uncommon to see monument signs on parcels where the actual retail center is not located within. Providing flexibility in the sign code will allow businesses to be located in a center but have signage closer to the street even if that parcel is not where the exact retail center footprint is situated. Wording will be selected carefully so that signage will not be located off-site (for example, not within the commercial center parcels).

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:

- **Research other cities to see if balcony spaces are included when calculating the required number of parking spaces**

Staff researched nine cities to see if balconies are included when calculating the required parking for non-residential uses. Out of the nine cities, only two (City of Rosemead and the City of Santa Monica) cities included balconies when calculating the number of required parking spaces. Staff recommends not including balconies when determining required parking spaces because these areas are usually not “conditioned” floor area.

Although commercial balconies are not common in Lompoc, if the Commission wants to encourage and provide more incentives to include balconies in a project; Staff recommends not requiring additional parking for balcony spaces.

- **Determine appropriate wording (“onto” or “into”) for Section 17.3.04.090H regarding liquid waste discharges.**

After talking to our Senior Environmental Coordinator (who often reviews waste spills), this section should be revised to read:

No liquid waste shall be discharged into a public or private body of water, sewage system, watercourse, into or onto the ground, except in compliance with applicable regulations of the City of Lompoc Municipal Code and any applicable regulations of the Central Coast Regional Water Quality Control Board.

- **Review of a Draft Mobile Vending Ordinance**

At the last Planning Commission hearing a brief presentation was given by Assistant City Attorney Jeff Malawy who mentioned that due to changes mandated by State Law (such as the new sidewalk Vending Law covered in SB 946), the mobile vending section of the Draft Zoning Code will need significant changes. Furthermore, at the September 18, 2018 and October 16, 2018 City Council hearings, Ordinance No. 1652 (18) was introduced and approved repealing Lompoc Municipal Code Section 10.28.140 relating to time limits for Street and Sidewalk Vendors. Therefore, the City’s revised Ordinance will not have time limits for these vendors.

The Draft Code that currently addresses mobile vending is located within the Chapter entitled Specific to Use Standards, Temporary Uses, Section 17.4.04.190C4 (Mobile Vendors). Staff has reviewed the Draft Ordinance and has coordinated with the City Attorney to provide a first review of the Ordinance as shown in Attachment 1. Additional review by the Parks Division is still needed but this review will be coordinated before the Ordinance is finalized. Comments from the public and the Planning Commission will be considered at this meeting and recommendations (with a consensus of the Commission) will be formulated for future consideration by the City Council.

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.

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. Draft Mobile Vending Ordinance
2. Public comments received
3. August 22, 2018 Staff Report
4. September 12, 2018 Staff Report
5. October 10, 2018 Staff Report

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**17.4.04.190: Temporary Uses**
**A. Purpose and Applicability.****B. General Requirements for All Temporary Uses.**

**C. Requirements for Specific Temporary Uses.** The following temporary uses and events are subject to a Temporary Use Permit (see Section 17.5.44 Temporary Use Permits) and shall comply with the following standards.

1. **Commercial filming**2. **Events**3. **Festivals**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 Section 17.4.04.190(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;
      - 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.
- f. **Operational Standards.** It shall be prohibited for any sidewalk vendor to operate under any of the following conditions:
- (i) Vend between 2:00 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/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 Sections 17.4.04.190(C)(1), (2), or (3);
  - (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.
- g. **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 (6) 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.
- h. **Vending cart requirements.** No vending cart shall exceed four feet in width, eight feet in height, or eight feet in length.
- i. **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.
- k. **Violation of sidewalk vending requirements.** A violation of these sidewalk vending requirements, other than failure to possess a valid sidewalk vending permit, is punishable by the following:
- (i) An administrative fine of one hundred dollars (\$100) for a first violation.
  - (ii) An administrative fine of two hundred dollars (\$200) for a second violation within one year of the first violation.
  - (iii) An administrative fine of five hundred dollars (\$500) 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 Lompoc is punishable by the following:
- (i) An administrative fine of two hundred fifty dollars (\$250) for a first violation.
  - (ii) An administrative fine of five hundred dollars (\$500) for a second violation within one year of the first violation.
  - (iii) An administrative fine of one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
  - (iv) Upon proof of a valid permit issued by the City of Lompoc, 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 LMC 17.4.04.190(4)(j).

- m. All fines imposed pursuant to subsections (k) or (l) above shall be subject to an ability-to-pay determination as described in California Government Code section 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.

5. **Mobile vendors.**

- a. **Purpose.** This section 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 a 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 in 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, distribute, 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 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; or
- (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; and
- (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 sidewalk 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.
- g. **Operational standards.** It shall be prohibited for any mobile vendor to operate under any of the following conditions:
  - (i) Vend between 2:00 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/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, business park, mixed use, 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, and
- (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.

- h. **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 17.5.60 (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 Section 17.4.04.190(C)(5), or in violation of the mobile vendor permit.

## **Mobile Vending Definitions**

Add to 17.7.04.020(S):

Sidewalk vending: 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.

Revise "Mobile vending vehicle" in 17.7.04.020(M) to read:

Mobile vending or Mobile vending vehicle: Any vehicle, wagon, or pushcart from which goods, services, wares, merchandise, fruits, vegetables, or foodstuffs are sold, distributed, solicited, displayed, offered for sale, bartered, or exchanged, and which is not located on or within a public sidewalk, other public pedestrian path, or public park.

### Executive Summary

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

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

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

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

#### **Recommend limiting restaurants to the wine overlay zone**

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



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

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

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

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

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

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

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

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

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

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

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

List of wineries and associations supporting this input

Lompoc Wine Alliance

Artisian Uprising

Pali Wine Co

Tower 15

Millennial Wines

Ampelos Cellars

Morretti Wine Co

Fiddlehead Cellars

Turiya Wines

Arcadian Winery

Sevtap Winery

Sweetzer Winery

Flying Goat Cellars

Bolshoi Family Wines

Date: 3/8/2018

**Comment – Please Print Legibly**

Ordinance Section(s): 17.2.20

**Comment:**

It would be a great opportunity for the community as well as the city and local businesses if this ordinance section allowed under 17.2.20 Artisan Manufacturing for micro breweries, winery and tasting rooms where food and banquets may be held in Mixed Use.

In addition, it would be further helpful if there was a way to figure out allowances for some form of dry storage in city approved containment units of some sort. As we are sure the city is aware, easily accessible storage for businesses especially in areas like old town and similar, have a very difficult time finding realistic space to house necessary stock, inventory goods, equipment, etc.

We assume aesthetics and clutter are of the main concern and we are hopeful the city may be open to creative ideas to resolve this current hardship. Moreover, creating annually updated permits for customer parking in city approved Mixed Use areas would help enhance the ability for customers/tourists to have more parking available than that currently afforded in city/state right of way.

These perceptions are made in the best interest of the community as a whole, to provide for economic growth and sustainability. "A rising tide lifts all boats" It is our hope that all businesses as well as the city are afforded every reasonable opportunity to succeed, grow and flourish. We appreciate this opportunity to comment in the public review and thank the city for its consideration.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Name: Stephen Renfrow

Address: 234 North H Street, Lompoc, Ca 93463

Phone: 805-234-0819 Email: srenfrow@solvangbrewing.com

**STAFF USE ONLY**

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

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

Comments from  
Councilman Mosby

---

**17.1.04.020: Intent and Purpose**

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

**Table 17.2.20.030.A: Other Zones Allowed Uses**

Requirement by Zone				
MU				
		• MU		
Parking Lot	(put in P)	P	MUP	

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

17.3.8.70

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

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

---

**17.6.28.020: Summary Abatement**

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

---

**17.2.24.020: Overlay Zones**

Remove: H street overlay and references.

**~~A. H-Street Overlay Zone (HSO):~~**

The H-Street Overlay (HSO) Zone applies to lots along the H-Street corridor

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

**17.2.20.040: Other Zones Development Standards**

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

April 20, 2018

Comments on Draft Zoning Code  
Cherridah Weigel

17.2.08.030 B

Table

Home Occupations MH – not permitted

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

17.4.04.100 D

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

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

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

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

17.5.44.030 Exempt Temporary Uses B & C

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

**Stones, Greg**

---

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

Hello,

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

17.5.12.020 - revise to include the highlighted text.

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

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

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

- a. New construction of 5,000 square feet or more;
- c. Additions of 5,000 square feet or more; and

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

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

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

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

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

Thank you for providing us an opportunity to comment.

Regards,

Linda Smith



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

April 16, 2018

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

RECEIVED

APR 16 2018

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

Planning Division

City of Lompoc Planning Commission:

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

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

I urge you to consider the following Ordinance changes:

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

  
Morris Sobhani

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



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

Begin forwarded message:

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

Brian:

I would like to submit the following comment about the draft ordinance , 17.2.16 Industrial Zones as follow:  
Page 5 Item B. Limited Accessory Accessory Uses.

My understanding is the limit of 15% is to provide protection for the business in C zone, but the wine tasting room in no way can be a completion in the C zone stores. I requested reconsideration to exempt the tasting roos from this limitation.

I also would like to add another comments in reference to the 1000 SF in gross area. we have been trying to allow food serving in the Ghetto for the past 12 years now after all these years why the proposed ordinance has a 1000 SF llimitation. Please reconsider this limitation and remove the 1,000 SF as long the tenant of restaurant comply with Building code and parking requirement.

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

ES 3-28-18  
✓

From: **Morris Sobhani** [mngsobhani@icloud.com](mailto:mngsobhani@icloud.com)  
Subject: Fwd: Workshop, draft title 17 Zoning Ordinance  
Date: March 28, 2018 at 5:27 PM  
To:



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


Begin forwarded message:

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

Brian:

I would like to submit the following comment about the draft ordinance, 17.2.16 Industrial Zones as follow:  
Page 5 item B. Limited Accessory Accessory Uses.

My understanding is the limit of 15% is to provide protection for the business in C zone, but the wine tasting room in no way can be a completion in the C zone stores. I requested reconsideration to exempt the tasting rooms from this limitation.

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

Date: 3/28

**Comment – Please Print Legibly**

Ordinance Section(s): 17.2.16 Industrial Zones

Comment:

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

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

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

Name: Steve Arrowood

Address: 1209 Meridian Way

Phone: 310 365 6236 Email: pugaraguste@gmail.com

**STAFF USE ONLY**

RECEIVED BY: SS DATE: 3-28-18 ✓

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

Date: 3/28

**Comment - Please Print Legibly**

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

Comment:

Constraining wine tasting rooms to the Accessory use  
of 15% does not make sense in 2018 when there are  
so many tasting rooms approved most exceed 15% and  
are not competing with other businesses in town. The  
wine tasting rooms should be seen as growth  
engines as they bring overnight visitors as well as  
new lompo residents as seen in all other wine tasting  
Topics(s) that were Not Addressed in Proposed Zoning Code: regions.

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

Name: Steve Arrowood

Address: 1209 Mendocino Way

Phone: 703656236 Email: puzaragiste@gmail.com

**STAFF USE ONLY**

RECEIVED BY: GS DATE: 3-28-18 ✓

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

Date: 3.28.18

**Comment – Please Print Legibly**

Ordinance Section(s): BP Zone usage

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

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

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

Name: DAN KESSLER

Address: 1700 GYPSY CANYON RD Lompoc 93436

Phone: 805.479.0043 Email: DDK@kesslerhaakwine.com

**STAFF USE ONLY**

RECEIVED BY: LS DATE: 3-28-18 ✓

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

Date: 3/28/18

**Comment – Please Print Legibly**

Ordinance Section(s): COMMERCIAL / INDUSTRIAL

Comment:  
AS A SMALL BUSINESS OWNER IVE  
NOTICED A LACK OF INDUSTRIAL ZONES.  
UNFORTUNATELY MY BUSINESS FALLS UNDER  
INDUSTRIAL USE. WITH THERE BEING SO  
FEW INDUSTRIAL SPACES AND NOW STIFF  
COMPETITION FROM WAREHOUSES AND NOW POT  
OWNERS I THINK IT'D BE IMPORTANT TO  
HAVE DESIGNATED WINE AND POT ZONES.

STRICT CUP REQUIREMENTS ARE ALSO  
NOT VERY BUSINESS FRIENDLY.

Topics(s) that Were Not Addressed in Proposed Zoning Code:  
DESIGNATED WINE AND POT ZONES.

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

Name: STEPHEN BRISCO

Address: 4000 RIVER AVE LOMPOC

Phone: 805-588-8273 Email: STEVE@AUTODETAILING  
EXCELLENCE.COM

**STAFF USE ONLY**

RECEIVED BY: 65 DATE: 3-28-18 ✓

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

**REESE AND ASSOCIATE  
ARCHITECT**

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

April 11, 2018

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

Dear Sir or Madam:

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

**PARKING:**

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

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

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

**LANDSCAPING:**

1. Table 17.3.12.040.B



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

Solid fence: add vinyl slats.

2. Equipment Screening

- A. Diagram Indicates screening of roof-mounted equipment – what is horizontal distance for viewing?
- B. Industrial zones should be excluded from this requirement.

3. Parking Area Landscape

- A. Required interior : I don't believe this should be required since total area is specified in Table 17.3.12.050.A and allocation should be designer option.
- B. Delete Scenic Highway requirement/section.

SIGNS:

- 1. Monument sign base: This section should be deleted as it is too limiting. Also, is in conflict with Figure 17.3.16.030.3, which shows full base. Also figure 17.3.16.060.5.
- 2. Rotating signs: Signs can be boring. I would not be opposed to rotating signs such as Union Oil ball or Thriftmart windmill. These are classic and interesting signs.
- 3. Size criteria: Non-residential (Table 17.3.16.060.B)
  - A. No awning signs should be allowed. There is no need for this type of sign which cannot be viewed from street level.
  - B. Flags – should allow two flags (U.S. and State).
  - C. Wall signs – I doubt Starbucks would meet this requirement.

INDUSTRIAL (Table 17.2.16.030.A)

- 1. Why is cannabis testing not allowed in an industrial zone? I believe it should be allowed.
- 2. Manufacturing/Heavy: Should be allowed in industrial zone without CUP.

Thank you,

Steven Reese, Architect

Date: 3.28.18

**Comment - Please Print Legibly**

Ordinance Section(s): Wine Ghetto

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

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

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

Name: Sara Summers - owner Transcendence  
Address: 138 Inverness Ave  
Phone: 805-455-9589 Email: sara@transcon

**STAFF USE ONLY**  
RECEIVED BY: GS DATE: 3-28-18 ✓

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

Date: 4-17-18

**Comment - Please Print Legibly**

Ordinance Section(s): Zoning Code

Comment:

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

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

Also 1000 square feet is Really small !!  
Thank you - Sara

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

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

**STAFF USE ONLY**

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

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



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

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

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

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

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

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

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

### Background

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

This is what they did in Cupertino:

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

Section	Paragraph	Notes
17.2	08.030. Table A	Agricultural Uses and Animal Keeping Use Types; why is "Animal Keeping and Production" and "Field and Tree Crop Production" even considered in R-1 areas?

Section	Paragraph	Notes
17.2	08.030. Table A	Services Use Types; "Bed & Breakfast", should be CUP in all zones.

Section	Paragraph	Notes
17.2	08.030. Table A	Public Services, major; should be CUP in all zones Public Services, minor; should be permitted use in all areas Define "public Services, minor in 17.7.04

Section	Paragraph	Notes
17.2	12.030. Table A	Industrial, Manufacturing, Processing, and Wholesaling Use Types; "Cannabis Testing Laboratory" should be CUP in CB and PCD zones NOTE: remove all cannabis related uses from this document until a CEQA analysis has been completed. See separate notes.

Section	Paragraph	Notes
17.2	12.030. Table A	Recreation, Education, and Assembly Use Types; define "Recreation, Passive" in 17.7.04

Section	Paragraph	Notes
17.2	12.030. Table A	Retail Trade Use Types; "Dispensary." define dispensary types in 17.7.04

Section	Paragraph	Notes
17.2	12.030. Table A	Other Use Types; "Adult Businesses" require CUP in all zones.

Section	Paragraph	Notes
17.2	24.050 E3b	H Street Overlay Zone, Limitations on location of parking. (2) The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping consistent with Chapter 17.3.12 (Landscaping and Screening Standards). This is a new requirement – need to discuss.

Section	Paragraph	Notes
17.2	24.050 E5	H Street Overlay Zone, Maximum block length. 400 and 600-foot block lengths are inconsistent with the current configuration of H Street.

17.2	24.050 E7	H Street Overlay Zone, Street trees. "A minimum of two trees shall be located along every 40 feet of street frontage and may only be located in
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		City right-of-way if approved through an Encroachment Permit." CALTRANS does not want trees along the state right-of-way.
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Section	Paragraph	Notes
17.3	04.020A	Attached Accessory Structures; how do attached, open sided patio covers fit into the set back requirements. Most extend to property line.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Halvorson, Brian

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

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

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

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

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### Section No.1 – Staff Agrees

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

### Other Zones

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

### General Site Development Standards

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

### Parking reductions, alternatives and incentives

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

### Landscape and Screening standards

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

### Sign Standards

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

### Specific to Use Standards

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

### Home Occupation

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

### Mixed-Use Development

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

### Outdoor dining

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

### Temporary uses

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

### Application processing requirements

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

### Property Nuisances

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

### Definitions of Terms

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

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

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

### **General Site Development Standards**

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

### **Parking reductions, alternatives and incentives**

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

### **Landscape and Screening standards**

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

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

### Sign Standards

47. 17.3.16.040 C2 – Add “steam” **(discuss)**

### Specific to Use Standards

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

### Home Occupation

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

### Mixed-Use Development

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

### Temporary uses

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

### Application processing requirements

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

### Sign permit and sign program

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

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

**Nonconforming uses, structures, and Parcels**

63. 17.6.20.010 E

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

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

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

**Property Nuisances**

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

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

**Section No. 3 – Review by City Attorney**

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

**Sign Standards**

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

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

**Specific to Use Standards**

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

**Temporary uses**

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

**Nonconforming uses, structures, and Parcels**

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

**Property Nuisances**

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



# 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](mailto:b_halvorson@ci.lompoc.ca.us)

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

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### **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

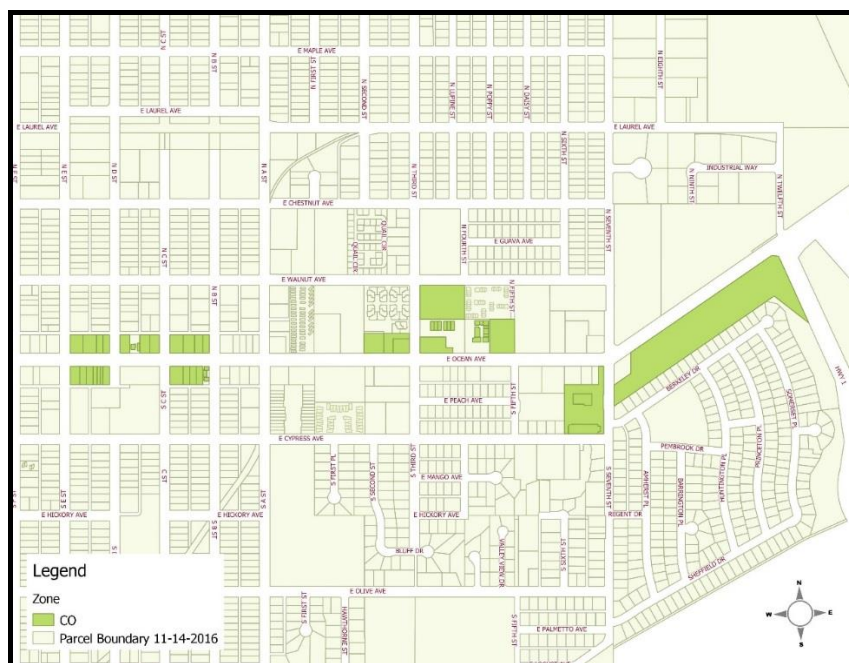
The General Plan Land Use and Zoning Map will be updated based on changes proposed to the General Plan designations and Zoning districts and overlays included in the Code.

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

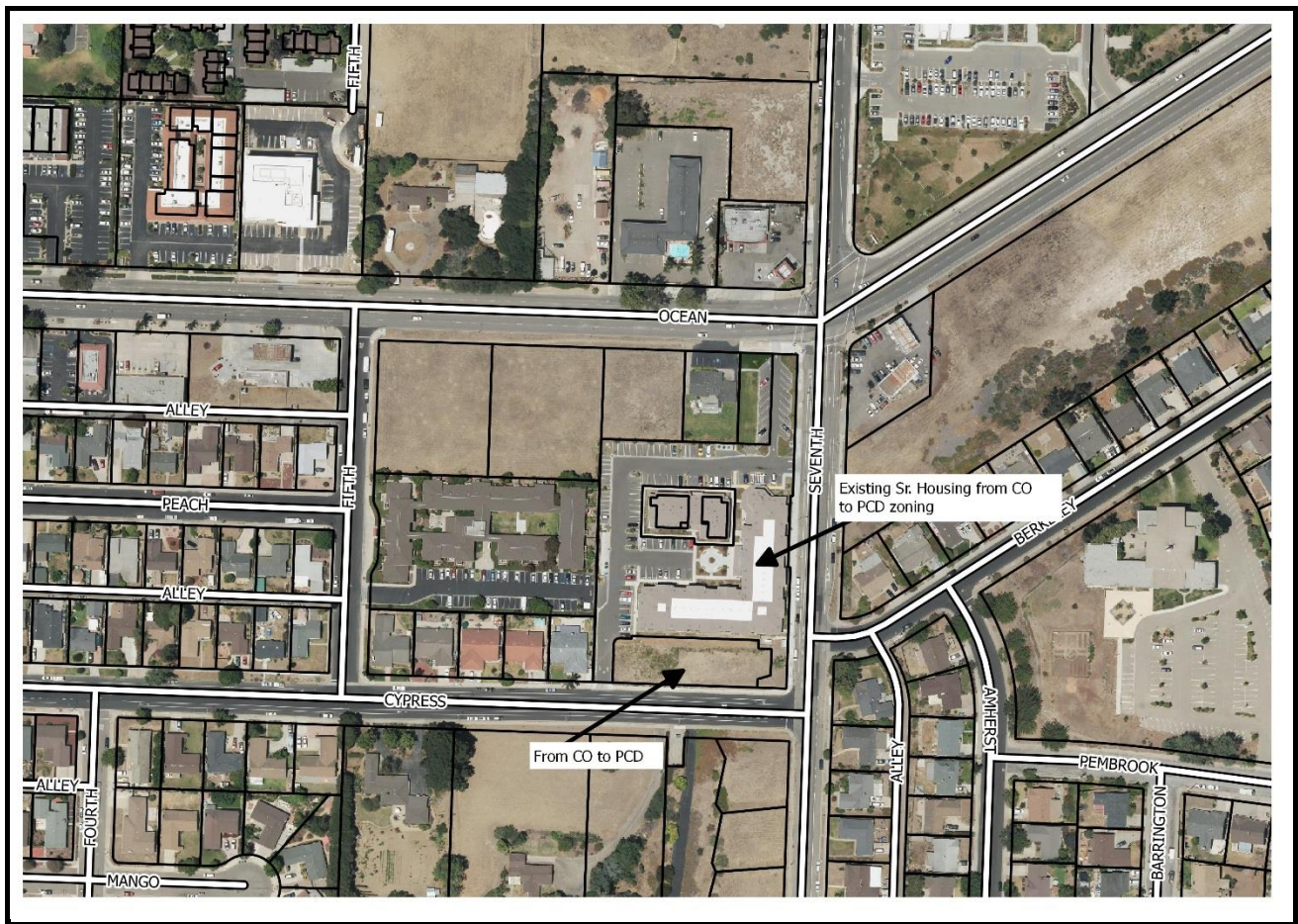


### Creation of Non-Conforming Use

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 7<sup>th</sup> 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.cityoflomdoc.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: 8-17-18	 Date: 8-17-18
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](mailto:b_halvorson@ci.lompoc.ca.us)

Teresa Gallavan, Economic Development Director/Assistant City Manager  
[t\\_gallavan@ci.lompoc.ca.us](mailto:t_gallavan@ci.lompoc.ca.us)

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

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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



**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](mailto:b_halvorson@ci.lompoc.ca.us)

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

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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)