

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** February 8, 2017  
**TO:** Members of the Planning Commission  
**FROM:** Lucille T. Breese, AICP, Planning Manager  
**RE:** Commissioner Request  
Food Service in Wine Ghetto

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At the December 14, 2016 meeting, Commissioner Rodenhi initiated a request for staff to return with a:

- Resolution making an interpretation that the preparation and sale of food in the Wine Ghetto is within the Intent and Purpose of a staff issued Temporary Use Permit (TUP), and
- list of specific criteria for issuance of a TUP.

***Chapter 17.128 – Special Temporary Use Permit***

***17.128.010 Intent and Purpose*** --Uses permitted subject to a special temporary use permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.

Uses traditionally allowed with a TUP include:

***17.128.020 Uses Permitted Subject to Special Temporary Use Permit***

*The following uses shall be allowed upon the issuance of a special temporary use permit.*

- A. Christmas tree sales.*
- B. Carnivals, circuses, special events of not over 72 consecutive hours.*
- C. Garage sale permits (limited to 60 consecutive hours).*
- D. Parking and storage of earth moving or construction equipment.*
- E. Storage of materials incidental to the carrying on of a public works project, subdivision, or construction project.*
- F. Tract home or lot sales office.*
- G. Construction garage or shed for subdivision constructions.*
- H. Temporary outside display and sale of merchandise in the C-2 zone.*

*I. Such other uses as the Planning Commission may, by resolution, deem to be within the intent and purposes of this Chapter. (Prior code § 8891)*

These uses are generally self-contained and are located on private property on the exterior of a building. These uses are similar in nature so that if there are standard COA for a Christmas Tree Lot they can be utilized for a large or small lot since they have the same basic function. It is more a “one size fits all” process. This is true of the other special events listed under the TUP process. They are limited in the signage, restricted to a certain time period, maintain pedestrian circulation, and must provide necessary parking and sanitary facilities for the public. Additionally, these uses are of a limited duration and the impact on the surrounding uses is minimal.

When an area is established, such as the Industrial zone, specific uses are envisioned and the infrastructure is constructed to support those uses. The addition of winery facilities has been of concern in the wine ghetto area. Many of the buildings have been converted from storage to processing which is an additional impact on the City infrastructure. Intensification of the use will create more intense impacts which should be considered before applicants invest considerable capital and potentially cause themselves and their neighbors concern.

Restaurants differ in the impacts based upon the type (diner, deli, full-service, take-out); the size of the facility (a deli or take-out restaurant could have a smaller public accommodation area than a sit-down restaurant). The size of the facility will also drive the need for toilets, exits, additional ADA requirements, etc.

The Conditional Use Permit Process allows the technical staff to fully review a specific request and how the proposed use will impact the neighboring uses as well as City services. Conditions of Approval are placed on the use to assure there are no negative impacts.

The City process for a TUP requires the applicant to complete a General Application including the required fee \$342 (\$250-Planning / \$92-Fire) and submit the materials as requested on the attached Submittal List. The applicant submitted material is circulated by the Planning Division staff to other departments/divisions and Conditions of Approval (COA) for the specific use and location are returned.

In applying COA to a TUP, staff must evaluate the proposed use and consider the ability of the site to support the use. In the instance of converting an Industrial building for use by the public, there are numerous issues to consider. For public accommodation, there must be adequate toilet facilities, access and egress, and parking. All of these must be evaluated prior to a permit being issued. When allowing a land use permit for a special event or traditional temporary use, there are allowances made due to the limited duration of the use. These could include the use of portable toilets and temporary parking and signage.

Allowing a restaurant/deli operation, serving the public on a daily basis will trigger a more involved process including the Building Division, Fire and Life Safety, and City Utilities, specifically Waste Water. Prior to issuance of the TUP, the applicant will be required to submit a full plan submittal to the Building Division to be reviewed by a number of departments as required by the 2016 CA Building Code Section 3408A “Change of Occupancy or Function”.

**“2016 CBC: 3408A.1. Conformance.** *No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for the use or occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building allowed to be occupied for the purposes in other groups without conforming to all the requirements for this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk than the existing use.”*

**“2016 CBC: 3408A.1.1 Change in function.** *A change in function shall require compliance with all the functional requirements for new construction in this code...”*

This submittal includes, among other requirements, energy and green code requirements, a detailed site plan, a detailed floor plan, and a written project description and must address the accessibility in the layout and the approach to enter the restaurant itself. The building official must approve any change of use to an existing structure. In the discussion at hand, adding cooking facilities to a wine tasting room is adding a more hazardous use to the current “mercantile” or sale of merchandise already approved. This automatically triggers the upgrades in the building that include but are not limited to:

- Automatic fire suppression system in the commercial kitchen’s hood
- Additional air exchange for the commercial kitchen, likely necessitating the need to upgrade the mechanical equipment.
- Accessibility to all public areas including counter height, table height, and approach in and out of the winery from the store to the required parking spot.
- Energy efficiency calculations where new lighting is proposed.
- Air balance test after all new equipment is installed.
- Routine kitchen hood maintenance for the commercial kitchen.
- Annual permit and fire clearance inspection is required to operate from the change of use and the addition of a commercial kitchen.

Another California State requirement is the reissuance of a “Certificate of Occupancy” after a change of use or remodel is completed. During the time of the remodel the original use of wine tasting is allowable if no hazard exists to the public. The new use of a commercial kitchen or food service is not allowed until the permit is finalized by all departments in the City and the “Certificate of Occupancy” is issued to each individual winery that completes this process. This is required by code:

*“2016 CBC: 3408A.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification has been met.”*

The above CA State codes require the Building and Life Safety Division to mandate a formal plan submittal, whether or not the permit is termed “TUP” by the Planning Division, or any other permit terminology chosen to represent this proposal within this jurisdiction. As a result of these CA Building Code requirements, the sample “TUP” application has several check-offs that require the applicant to submit plans to both the Building Division and the Santa Barbara County Health Department for approval.

The application will not provide the fees associated with reviewing the submittals by the Fire and Building departments as the fees are based on the scope of work and are not fixed rate fees. Additional departments may have impact fees that would be required to be addressed prior to approval as well. For projects that include a change of use, the Building Division strongly encourages that the applicant request a “DRB” or Design Review Board meeting so that city staff can advise the customer upfront of requirements that may have a fiscal impact on the project. By not directing the customer to utilize this process, the winery owner may not be aware of all that is involved. Finally, a design professional is required to draft the plans for the submittal.

Due to the size of the existing 6” sewer lateral servicing the Wine Ghetto, this area is considered an “Enhanced Maintenance Area” and the City monitors the flows on a weekly basis and more frequently during “crush”. The 2009 approval of the Santa Rita Hills project (DR 08-01) identified the need for an upgrade to an 8” line with intensified use on this property. The 2012 approval delayed installation of the improvements until the map LOM 593, was recorded and the additional development was approved. However, the buildings continue to have additional uses added which are of concern to the City Utilities Division and could negatively impact the Citywide system. There should be a “flow study” conducted to assure there is adequate facility for additional uses, included food service, prior to allowing those uses. Technical staff will be available at the meeting to participate in the discussion.

If the TUP process is to be followed, additional conditions to be considered would include:

- No more than one food service facility shall be allowed per building and shall be limited to the Wine Ghetto area;
- The size of the tenant space should be limited to a maximum of 1,200 sq. ft.;
- The TUP for the food service use shall be valid for a maximum of 12 months, if the Zoning Ordinance Update is not completed by that time, the applicant may request a time extension from the Planning Division;
- All activities are to be located within an existing building;
- Adequate bathroom facilities must be provided for the public;
- Whenever a use is changed (in this case from Industrial to a Restaurant) parking must be evaluated per City Code;

- Wastewater – the Ghetto area is serviced by a 6-inch gravity flow sewer main already close to capacity, a new connection will be required to install a grease interceptor, and submit a Baseline Monitoring Report.

These types of determinations at the staff level are project specific and more in line with a Zoning Administrator issued Minor Use Permit (MUP). However, the MUP can only be processed if *“the use is in an existing building and all of the underlying development standards of the Zoning District are met.”* This would not be the case since food service is not permitted in the *Industrial Zone*. The City Conditional Use Process (CUP) provides the opportunity for the customer to review their plans with the technical staff and be aware of issues that may need to be addressed for a change of occupancy. To comply with State (Building) Codes and the Lompoc Municipal Code, the TUP process will need to be modified to include certain legal requirements when a change in use is involved.



The Wine Ghetto was originally established in the Sobhani Industrial Park in 1998 when Longoria Winery moved in; it expanded to the north of Chestnut Court to include the four tenant building east of Seventh Street; and expanded again in 2012 to include the Zotovich parcels east of Twelfth Street.

There are other winery locations in Industrial areas throughout the City. The intention of the Wine Overlay in the upcoming Zoning Ordinance update was to focus on the Wine Ghetto in allowing accessory uses. The Wine Ghetto currently operates special events including food trucks on a weekly basis without obtaining permits from the City. Establishing the Wine Overlay and setting specific guidelines was intended to assure these events meet minimum public safety requirements and legal requirements when uses are changed.

**Planning Commission Action:**

1. Receive the staff report;
2. Take public input;
3. Adopt Resolution No. 854 (17); or.
4. Provide alternative direction.

**Attachments:**

- 1) [PC Resolution No. 854 \(17\)](#)  
(PC only with staff report, documents available for review in Planning Division)
- 2) [Draft Submittal List](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
<b>Teresa Gallavan</b>	<b>Date</b>	<b>Lucille T. Breese, AICP</b>	<b>Date</b>
<b>Economic Development Director / Assistant City Manager</b>		<b>Planning Manager</b>	

**RESOLUTION NO. 854 (17)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC DEEMING THAT FOOD SERVICE IN THE WINE GHETTO, DURING THE INTERIM PERIOD PRIOR TO THE ADOPTION OF THE COMPREHENSIVE UPDATE TO THE ZONING ORDINANCE, IS WITHIN THE INTENT AND PURPOSE OF THE SPECIAL TEMPORARY USE PERMIT PROVISIONS OF THE ZONING ORDINANCE**

**WHEREAS**, the Planning Commission discussed allowing food service uses in the Wine Ghetto on an interim basis during the comprehensive update to the Zoning Ordinance with a staff issued Special Temporary Use Permit at a duly-noticed public meeting on December 14, 2016; and

**WHEREAS**, for purposes of this resolution, the “Wine Ghetto” is defined as the area depicted on Exhibit “A” hereto; and

**WHEREAS**, at the meeting of February 8, 2017, \_\_\_\_\_ were present, and answered Planning Commissioners’ questions and addressed their concerns; and

**WHEREAS**, at the meeting of February 8, 2017, expressed support of or opposition to the proposed process; and

**WHEREAS**, this action is categorically exempt pursuant to Guidelines Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented,

- A. The City of Lompoc is in the process of a comprehensive update of the Zoning Ordinance and anticipates creation of a Wine Overlay which will allow food service in the Wine Ghetto;
- B. Food Service in the Wine Ghetto, utilizing a staff issued Special Temporary Use Permit, shall be conditioned so the use is not detrimental in any way to the surrounding properties or to the community;
- C. The proposed use is not more obnoxious or detrimental to the public welfare, and is of a comparable nature and of the same class as the uses enumerated in Section 17.128 of the Lompoc Municipal Code.

**SECTION 2:** Based upon the foregoing, the Planning Commission deems that allowing Food Service in the Wine Ghetto is within the Intent and purpose of Chapter 17.128 of the Lompoc Municipal Code.

**SECTION 3:** This resolution shall expire, and Food Service in the Wine Ghetto shall no longer be permitted with a Temporary Use Permit, two years after the date this resolution is adopted or upon the effective date of a generally applicable ordinance governing food service in the Wine Ghetto, whichever is earlier. Not less than sixty (60) days prior to expiration of this resolution or of any extension period of this resolution, the Planning Commission may extend this resolution for a one year period if at that time such a generally applicable ordinance has not taken effect.

The foregoing Resolution was adopted, on motion by Commissioner \_\_\_\_\_, seconded by \_\_\_\_\_, at the Planning Commission meeting of February 8, 2017 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Lucille T. Breese, AICP, Secretary

\_\_\_\_\_  
Ron Fink, Chair


Exhibit A: [Map of Wine Ghetto Area](#)



# Lompoc Wine Ghetto



February 03, 2017

City of Lompoc Economic Development Department – Planning Division	
<b>Temporary Use Permit (TUP)</b> <b>Industrial Zone Restaurant Use Application Checklist</b>	

**A completed application includes the following:**

All City forms available at Planning Division or [http://www.cityoflompoc.com/departments/comdev/planning\\_apps.htm](http://www.cityoflompoc.com/departments/comdev/planning_apps.htm)

- Completed "General Application" form
- Property Owner permission
- Fees paid according to Master Fee Schedule (Planning ♦ Fire)
- Site address \_\_\_\_\_ Lompoc, CA  
 (Street Number)                      (Direction)                      (Street)
- Detailed Description of Proposed Use (type of food service proposed, i.e. take out, table service, etc) : \_\_\_\_\_  
 \_\_\_\_\_
- Ten sets minimum size 11 x 17 -- Dimensioned Site Plan showing location of proposed use on property, circulation, parking, and identifying adjacent uses.
- Baseline Monitoring Report for Wastewater Division
- Ten sets minimum size 11 x 17 -- Dimensioned Floor Plan showing location of proposed food preparation area, food service area, bathroom, offices, other proposed use, office, tables, number of patrons, etc.
- Term of proposed use: \_\_\_\_\_ to \_\_\_\_\_  
 (month / day / year)                      (month / day / year)
- Days /Hours of proposed use: \_\_\_\_\_ (A.M.) (P.M.)  
 to \_\_\_\_\_ (A.M.) (P.M.)
- Number of employees: \_\_\_\_\_ full time \_\_\_\_\_ part time
- Contact information of person available at all times during the Temporary Use.

Contact person (#1)	Telephone number	Fax	E-mail address
Contact person (#2)	Telephone number	Fax	E-mail address

Additional Comments: \_\_\_\_\_

- Notes:**
- 1) Temporary Use Permits require circulation to various City departments for review and approval. This process can take up to fifteen (15) working days depending upon availability of staff.
  - 2) Applicant must appear before staff and sign agreeing to conditions before issuance of permit (**Example of Standard Conditions on reverse**)

## **Example of Standard Temporary Use Conditions**

- 1) Compliance with all applicable Federal, State, County, and local regulations and ordinances shall be maintained during the temporary use.
- 2) Pedestrian and vehicular access/ circulation shall not be impaired by the temporary use.
- 3) No off-site signs shall be displayed. Signs are allowed only at the site of the temporary use.
- 4) Any associated on-site signage shall be securely fastened.
- 5) The hours of the proposed use are limited from.
- 6) Required permit(s) will be obtained from the Building and/or Electric Division or any other Division prior to setup.
- 7) The contact person listed on this letter must be available at all times during the temporary use activity.
- 8) The Temporary Use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel shall be removed from the site.

Please be advised that additional Conditions may be placed on a Temporary Use Permit during the project review period.