Workshop Item Memorandum

Planning Commission Meeting Date: March 29, 2017

TO: Chair Fink,
Planning Commissioners

FROM: Lucille T. Breese, AICP, Planning Manager
l_breese@ci.lompoc.ca.us

SUBJECT: City of Lompoc Zoning Ordinance Update – Planning Commission Workshop on Administration and Procedures (Planning Division File No ZC 15-02)

Planning Commission Action:

The Planning Commission will receive information; hold discussions; invite public comment; and, provide general direction and comments regarding the Zoning Ordinance Update to the Zoning Code consultant, Lisa Wise Consulting, Inc., and staff. This workshop is focused on Zoning Code administration and procedures.

Purpose:
The purpose of this workshop is to:

- Review findings from the Code Diagnosis, dated January 2016, related to administration and procedures;
- Review the Recommendations and Approach Memo, dated August 8, 2016 related to administration and procedures; and
- Discuss key issues related to administration and procedures.

Background:

- September 24, 2014 – Phase 2 of the 2030 General Plan Update adopted.
- July 7, 2015 – Zoning Ordinance Update contract awarded to Lisa Wise Consulting, Inc. (LWC) of San Luis Obispo.
- September 23 & 24, 2015 – Zoning Ordinance Update stakeholder interviews.
- October 27, 2015 – Joint City Council/Planning Commission Workshop.
- August 24, 2016 – Planning Commission Zoning Districts Workshop
- December 20, 2016 – City Council adopted the Sign Ordinance, effective January 2017.

- January 29, 2017 – Planning Commission Citywide Zoning Regulations Workshop

Relationship of the General Plan to the Zoning Code

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 General Plan is the Zoning Code, which is required to be consistent with the General Plan and applicable state and federal laws.

The 2030 General Plan policies and implementation measures including, but not limited to, the following key direction and guidance specifically related to administration and procedures:

- Support new development or redevelopment projects in the H Street Corridor Infill Area by expediting permit processing and review.
- Review development proposals with added attention to avoidance of degradation of objects of aesthetic and/or historic significance.
- Establish a process and criteria for landmark designation.

To be consistent with the General Plan, the updated Zoning Code will need to implement these applicable General Plan policies and measures, as well as other policies and measures.

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; and
- Address stakeholder input.

These objectives will be followed during the Zoning Code update.

Stakeholder Interviews

Stakeholder interviews served to collect community and City staff knowledge regarding zoning related concerns and opportunities. Issues raised by stakeholders during these interviews included comments related to Zoning Code procedures:

- Overall Permitting – Unclear when a permit is required, and if so, which permit is required.
- Conditional Use Permits (CUPs) – Many appear to be required unnecessarily.
- Permit Submittal and Review – Requirements are too burdensome or open-ended. Streamlining the permit review process is important.

These comments were considered and incorporated into the Code Diagnosis and Recommendations and Approach Memo discussed below.

Code Diagnosis

The Lompoc Code Diagnosis was completed in January 2016, and published in the Commission's January 27, 2016 Sign Workshop packet. The Code Diagnosis analyzed the current Zoning Code for issues related to clarity, consistency, completeness, and effectiveness. It identified broad Code deficiencies and opportunities for improvement.

The key Code issue topics discussed in the Diagnosis are:

- Disorganized and inconsistent structure;
- Incomplete standards and inadequate cross-referencing;
- Unclear permit requirements and procedures;
- Ineffective zoning to achieve vision;
- Sign regulation issues; and
- Noncompliance with State and Federal Law.

The Code Diagnosis can be viewed on the City's website http://www.cityoflompoc.com/comdev/projectupdates.htm. This workshop will focus on the issues related to Zoning Code administration and procedures.

Recommendation and Approach Memo

The Recommendation and Approach Memo built upon the Code Diagnosis by describing preliminary recommendations to address certain deficiencies, as well as additional Code issues identified during stakeholder interviews and public workshops. Preliminary recommendations related to administration and procedures include:

- Streamline and clarify procedures, but continue to provide flexibility for Director and Commission interpretations where appropriate.
- Add currently omitted permit and approval procedures (e.g., development agreements, certificate of appropriateness, minor modifications, etc.).
- Update and expand the temporary uses allowed with a Temporary Use Permit, and give the Director authority to interpret allowable temporary uses with the ability to refer to the Commission as appropriate.

- Expand the applicability of Minor Use Permits as appropriate, which would reduce the number of Conditional Use Permits processed.
- Develop a process to allow flexibility from Code standards by Director determination (different from a variance).
- Include tables that clearly identify when permits are required and the review authority for each permit.

The Recommendation and Approach Memo can be viewed on the City's website http://www.cityoflompoc.com/comdev/projectupdates.htm. This workshop will focus on the issues related to Code administration and procedures.

Discussion:

This workshop is an opportunity for the Commission, business owners, and community members to have an open discussion regarding some key zoning issues. The discussion will be structured around five topics:

1) Conditional and Minor Use Permits
2) Temporary Use Permits
3) Nonconforming Regulations
4) Certificates of Appropriateness
5) Enforcement/Nuisances

Conditional and Minor Use Permits

The Code currently allows Minor Use Permits (MUPs) to be approved when a use requiring a Conditional Use Permit (CUP) will be located within an existing building and all underlying development standards are met. The Zoning Code update is anticipated to expand the applicability of MUPs to certain uses, regardless as to whether they are located within existing buildings. This will reduce the number of CUPs processed.

CUPs are not typically intended to allow deviations from development standards, but the current Code allows this option. Other procedures typically allow for these types of deviations (e.g., planned developments, variances, specific plans, etc.). It is anticipated that the Zoning Code update will clarify this.

Temporary Use Permits

The existing temporary use standards, definitions, and Temporary Use Permit (TUP) procedures are anticipated to be updated to be more precise and clear. Temporary uses include special events (e.g., festivals, etc.), seasonal uses (e.g., Christmas tree sales, Halloween pumpkin patches), and other temporary uses (e.g., construction offices).

Time limits associated with temporary uses will also be reviewed and revised as needed.

Nonconforming Regulations

Nonconforming regulations address uses, structures, and parcels that were established legally but do not comply with current standards. Typical definitions for nonconforming uses, structures, and parcels are below:

- Nonconforming Lot or Parcel**.** A lot or parcel that was legally created before the adoption of this Zoning Code or amendment, but does not comply with the current access, area, width, depth, or other applicable standards of this Zoning Code.

- Nonconforming Structure. A structure that was legally constructed before the adoption or amendment of this Zoning Code, but does not comply with the current setback, height limit, building separation, and/or other applicable standards of this Zoning Code.

- Nonconforming Use. A use of land and/or a use within a conforming or nonconforming structure that was legally established and maintained before the adoption or amendment of this Zoning Code, but does not conform to the current Zoning Code standards for allowable land uses within the applicable zone.

The current Code separates nonconforming structures into two categories:

- Group A: Nondetrimental. A Group A "nondetrimental nonconforming" use or structure is a use or structure which is generally not detrimental in the zone in which it is located. The current Code provides examples of nondetrimental nonconforming uses:
    - Nonconforming residential uses which do not conform to the density standards for the zone in which they are located.
    - Nonconforming uses which are generally similar to uses otherwise permitted in the zone subject to approval by the Planning Commission that they are not incompatible.

  The current Code also provides examples of nondetrimental nonconforming structures. These include in residential zones, buildings designed for residential uses not allowed in the zone (not including hotels and motels).

The Code allows nondetrimental nonconforming structures to be enlarged if not in conformance to current standards if the Commission approves a CUP with specific findings.

- Group B: Detrimental. A Group B detrimental nonconforming use is one which is incompatible with permitted uses in the zone, and which if permitted to continue or expand would have a detrimental effect on otherwise permitted uses in the zone.

  Examples of detrimental nonconforming uses and structures include a commercial or industrial use/structure in a residential zone and industrial use/structure in a commercial zone. If a detrimental nonconforming use is ceased for six months or more, the use may no longer be continued, and is considered terminated.

The current Code's provisions for nonconformities are unclear and incomplete, and they will be revised and updated as needed to be consistent with best practices and any direction provided by the Planning Commission. New nonconforming standards could include, for example, provisions to allow for the expansion of a use provided the extent of the nonconformity is not increased or repairs and maintenance subject to clearly established thresholds.

Certificates of Appropriateness

The inclusion of a Certificate of Appropriateness is recommended to support and enhance the City's historic preservation efforts. A Certificate of Appropriateness is intended is intended to protect structures, improvements, natural features, and objects of historic significance including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal.

These Certificates are tools commonly used for historic preservation purposes and they may be set-up in the Code to provide for both staff review and approval (when there are no adverse impacts on the integrity of the historic resource) or review and approval by the Commission when it is determined that there may be an adverse impact on the integrity of the resource.

Enforcement/Nuisances

The enforcement/nuisance provisions of the Zoning Code are necessary to ensure that compliance with the provisions of the Code is assured and that a mechanism is in place to require compliance in the case of a violation. Enforcement is also necessary to ensure compliance with any conditions of a planning permit approval.

Consistent with the City's police power to ensure public health, safety and welfare through the adoption, administration and enforcement of the Zoning Code, nuisance provisions and standards are included to provide a remedy if any use of land or a structure is operated, maintained, or constructed contrary to the standards in the Zoning Code (i.e. in violation of the Code).

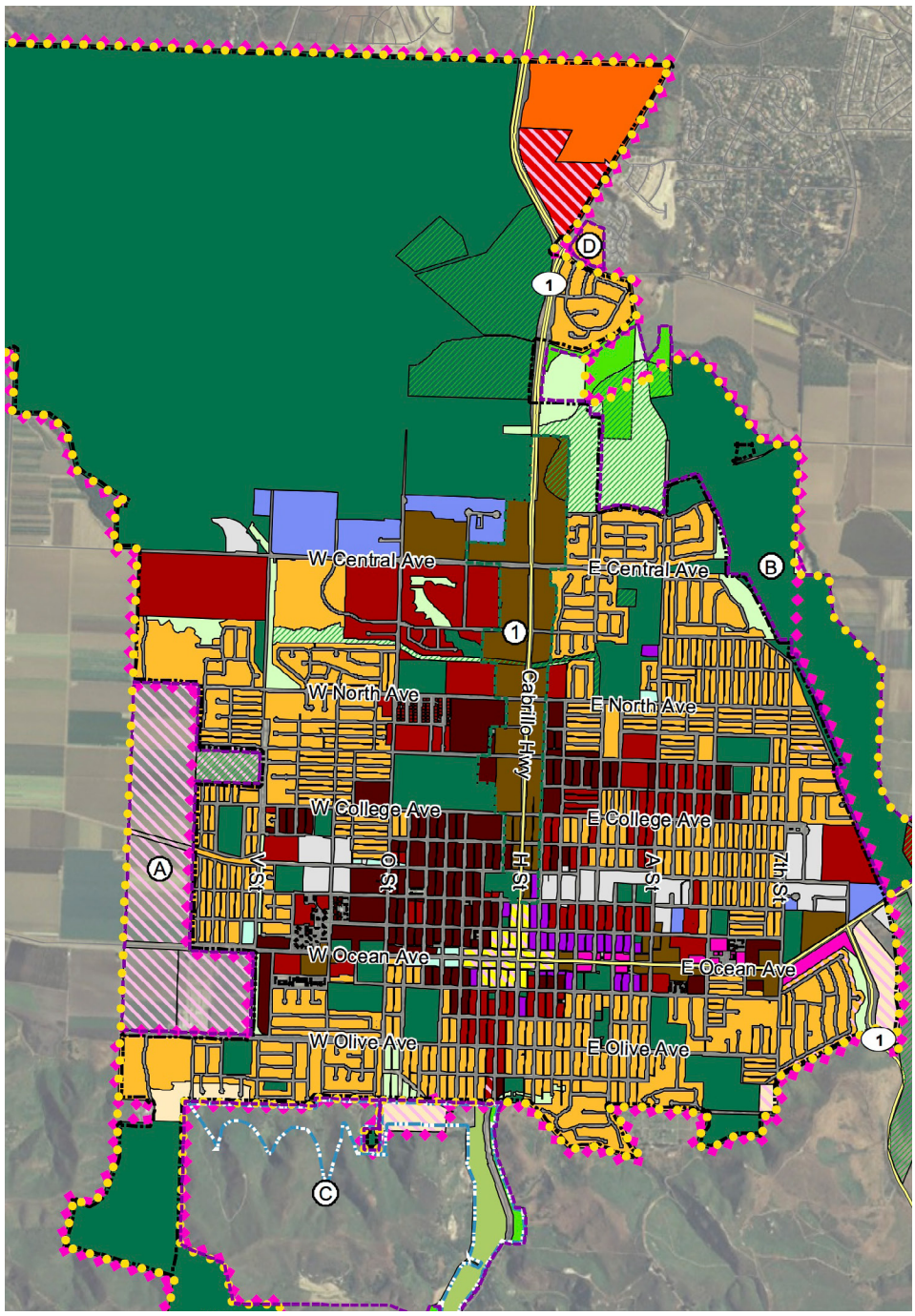
The enforcement provisions of the Code will, therefore, include procedures for the enforcement of the Zoning Code. These may include procedures for the imposition of fines; legal remedies for abatement and injunctions; procedures for cost recovery; and if necessary, additional permit fees.

LWC will utilize feedback from the workshop in the development of the Administrative Draft Zoning Code for City review.

Next Steps:
The target Zoning Code Update schedule is included below.

Task	Target Date
Workshop – Administration & Procedures	March 29, 2017
Workshop – Food Service in Industrial Zones	May 2017
Draft Zoning Code – Public review begins	Sept 2017
Workshop – Public Draft Zoning Ordinance	Oct & Nov 2017
Draft Zoning Code – Public review ends	Nov 2017
Planning Commission Public Hearings	Dec 2017 - Jan 2018
City Council Public Hearings	Jan - March 2018

Attachments:
- Available on City website:
  http://www.cityoflompoc.com/comdev/projectupdates.htm
  - Code Diagnosis, January 2016
  - Recommendations & Approach Memo, dated August 8, 2016



CITY OF LOMPOC

ZONING ORDINANCE UPDATE

CODE DIAGNOSIS

PREPARED BY LISA WISE CONSULTING, INC.

JANUARY 2016

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Lompoc Zoning Ordinance Diagnosis

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1 Introduction

1.1 Background and Purpose

Adopted in 1974, the City of Lompoc Zoning Code ("Code") has only been amended incrementally over the past 40 years. Many of the findings in this report reflect the age of the Code and the numerous amendments over time, which have led to inconsistencies and complicated the Code's organization. The need for a comprehensive update is evident. The Code must be updated to not only incorporate current best practices, industry standards, and legal mandates, but also to comply with the new General Plan and be internally consistent and user-friendly.

The purpose of the diagnostic analysis is to evaluate the Code, identify broad deficiencies, and provide a foundation for the Code update. The evaluation is based on the relationship (either positive or negative) to achieving the City's objectives for the Code update. As identified in the City's Zoning Ordinance Update Request for Proposals, the main objectives for the Code update are:

1. Implement the General Plan vision,
2. Ensure the Code is user-friendly,
3. Update the Code's format,
4. Modernize land uses, and
5. Comply with legal requirements.

This report summarizes the results of the Code diagnostic analysis.

This section offers an overview of the City of Lompoc Zoning Code, the 2030 General Plan, community engagement conducted to-date, and key issues identified from this Code diagnosis.

1.2 Overview of Zoning Code

Organization and Structure

The Code is organized as Title 17, Zoning, in the City of Lompoc ("City") Municipal Code. It is separated into three divisions:

- Division 1 - General Provisions;
- Division 2 - Establishment and Designation of Districts; and
- Division 3 - Special Uses, Provisions, and Exceptions.

Each division is organized into chapters:

- Chapters 17.004 through 17.008 in Division 1 provide intent and purpose, appeal procedures, and general definitions.
- Chapters 17.012[1] through 17.084 in Division 2 provide regulations for 17 base zones and two overlay zones. All of these zones are introduced in Table 1, below, and are discussed to varying degrees throughout this report.
- Chapters 17.088[1] through 17.168 in Division 3 provide additional development standards, requirements for particular uses, roles of review authorities, and permit and approval procedures.

Existing Zones

The Code identifies allowed uses and development standards for each zone. Table 1 lists each zone, its purpose, and the General Plan land use designation associated with each zone based on the consultant's analysis of the Land Use Element Map and Zoning Map.

[1] The Code does not include any chapters between 17.008 and 17.012 or 17.084 and 17.088.

Table 1. Existing Zones			
Zone		**Purpose**	**2030 General Plan Designation**
RA	**Residential Agricultural District**	Established for use in areas particularly suited for light agricultural activities and large suburban estates.	Very Low Density Residential (VLDR)
T	**Residential Mobilehome Park**	To provide an exclusive zone designation that is applied to land for use as a mobilehome park and mobilehome subdivision only, and to establish rules and regulations concerning standards of lots, yard or park area, landscaping, walls or enclosures, signs, access and vehicle parking pursuant to the powers granted to the City under Section 18010 of the Health and Safety Code of the State of California, naming the Planning Commission of the City as its agent for executing the provisions hereof. This Chapter also applies to travel trailer parks and recreational vehicle parks.	Low Density Residential (LDR)
R-1	**Single Family Residential District**	To stabilize and protect the residential character of the district and to promote and encourage a suitable environment for family life on a neighborhood basis. The 7-R-1 Zone requires a minimum lot size of 7,000 square feet. The 10-R-1 Zone requires a minimum lot size of 10,000 square feet.	Low Density Residential (LDR)
R-2	**Medium Density Residential**	To stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density with two families to the lot while maintaining individual privacy, open space, and facilities.	Medium Density Residential (MDR)
R-3	**High Density Residential**	To stabilize and maintain the residential character of the district for high density apartment living with substantial space for cooperatively used facilities and open spaces.	High Density Residential (HDR)
PD	**Planned Development**	To provide for the orderly development of land in conformance with the comprehensive scheme contemplated by the General Plan but permitting a flexible design approach to the development of a total community environment equal to or better than that resulting from traditional lot-by-lot land use development. Designed and intended to accommodate various types of development such as neighborhood and district shopping centers, professional and administrative office areas, multiple housing developments, single-family residential developments, commercial service centers and light industrial parks, or any other appropriate use or combination of appropriate uses.	Varies
PCD	**Planned Commercial Development**	To provide for the orderly development of commercial centers in conformance with the General Plan Land Use Element. This district is intended to provide flexibility in the design arrangements of various types of commercial developments.	General Commercial (GC), H Street Corridor Infill Area
CC	**Convenience Center**	To provide centers for convenience shopping in the residential neighborhoods that are planned and controlled to the extent that any such center will perform a vital service to the neighborhood in which it is located and become an integral part thereof.	Neighborhood Commercial (NC)
CO	**Commercial Office**	To provide a district for office-type uses with yard, open space, and architectural requirements similar to those in residential districts so that such uses can be located in proximity to residential uses.	Office Commercial (OC)

Table 1. Existing Zones			
Zone		**Purpose**	**2030 General Plan Designation**
C-2	**Central Business**	To provide for the general business and commercial needs of the City. This Zone shall be used as the business center in areas where a wide range of retail and service establishments are needed to accommodate the surrounding community.	General Commercial (GC)
OTC	**Old Town Commercial**	To establish the land use district within the Old Town Specific Plan area and the development standards that apply…provides for medium-intensity commercial uses that serve mostly community-wide needs in a pedestrian-friendly environment, and provides for the highest quality building design.	Old Town Commercial (OTC)
MU	**Mixed-Use**	To provide areas that encourage residential opportunities and innovative retail commercial uses that are located near transportation corridors where local residents have access to personal services, retail facilities, and cultural opportunities that are pedestrian-oriented. To recognize the unique character that alleys can provide to support infill development, subject to appropriate standards to preserve views, protect privacy, and limit building bulk.	Mixed Use (MU)
SP	**Specific Plan**	To provide for the systematic implementation of General Plan goals and policies for particular areas of the City that require a more comprehensive and intensive evaluation and planning effort due to their large size, the need to master plan infrastructure, and their unique environmental settings and viewsheds.	Varies (LDR-2.5, LDR-4.6, OTC)
BP	**Business Park**	To provide for planned industrial complexes in appropriate areas with sound development standards. The intent is to have primary users share common building complexes with common sign programs, building architecture, utility networks, and landscape areas in compatibly planned developments.	Business Park (BP)
I	**Industrial**	To provide for light industrial, manufacturing, and limited accessory uses. The intent is to encourage sound industrial development in appropriate areas and to provide development standards to protect adjacent commercial districts.	Industrial (I)
OS	**Open Space**	To provide open space for the preservation of natural resources, managed production of resources, open space for outdoor recreation and private open space uses, for the protection of public health and safety, to preserve natural scenic areas for future populations, and to systematically manage the growth and directions of urban development.	Open Space (OS)
PF	**Public Facilities and Institutional**	To provide for those uses and activities which serve the public and are generally conducted by government agencies or eleemosynary and philanthropic nonprofit organizations.	Community Facility (CF)
F or FC	**Airport Overlay**	To minimize the hazards to aircraft safe landing and take-off, to increase the safety for land uses in the vicinity of the airport by limiting the height of structures and the type of land uses permitted, and to maintain the integrity of the airport and assist in establishing a safe environment for its operation.	-
CR	**Cultural Resources Overlay**	To ensure protection of cultural resources within the City, while streamlining the process of development review within the archaeological high sensitivity zone on the City's south side.	-

1.3 2030 General Plan

The 2030 General Plan ("General Plan") was adopted in phases, beginning in 2013 and concluding in August 2015. The General Plan delineates a vision for Lompoc's future and includes a land use map together with policies and implementation measures to achieve that vision. Certain policies and measures specify amendments to the Code - the primary tool to implement the General Plan.

While many General Plan policies and implementation measures will influence the Code update, key direction and guidance is summarized in Table 2, below.

Table 2. General Plan Direction and Guidance for the Code Update

Direction or Guidance	General Plan Policy or Measure[1]
Update density and development standards consistent with the General Plan	LU Measure 11
Develop incentives for high quality, pedestrian and bike-friendly infill and mixed-use development that respect existing neighborhoods	LU Policies 1.7, 8.1, 8.2, 8.11 & Measures 1, 24; UD Policies 2.2, 3.1, 3.2 & Measure 17; H Measures 24, 25
Promote revitalization and mixed-use through H Street and Old Town standards	LU Policies 1.7, 3.2, 3.5, 3.6, 8.3, 8.4, 8.9 & Measures 10, 12; ED Measure 16
Develop an overlay for the H Street infill area and require new development to place buildings at the street with parking behind	LU Measures 21, 23
Offer incentives for development that provides a substantial community benefit	LU Policy 3.4
Retain Old Town historic character, scale, and architecture	LU Policy 3.6; UD Policy 2.1& Measure 7
Require new development to provide sidewalks and multi-modal pathways and facilities	CIR Policies 1.9, 2.5, 3.12 & Measures 3, 19; LU Policy 3.9; N Policy 1.8
Plan for land use and development patterns that allow succession of use and economic development	ED Policies 1.4, 3.1 & Measures 1, 4
Allow wine tasting and related facilities in appropriate commercial and industrial zones	LU Measure 13
Allow agriculture and craft uses in appropriate locations	ED Policies 2.4, 5.2-5.4 & Measure 7
Preserve views, view corridors, and visual quality, including ridgelines and hillsides	LU Policy 5.4; UD Policies 1.2, 1.3 & Measures 4,18; COS Policy 11.2
Incorporate hillside development standards	LU Policies 5.7 & Measures 8, 9; UD Measure 5; S Measures 25, 28
Encourage creative and efficient residential site developments	LU Policy 2.4; COS Policies 10.1, 10.3, 10.4; PS Policy 17.1; H Policies 4.1, 4.3, 4.4
Provide adequate buffers, screening, and landscaping; retain trees and plantings; require replacement trees and plantings	LU Policy 2.3, 7.6 & Measure 26; UD Policy 4.5 & Measures 3, 19; COS Policy 1.3 & Measures 3, 5, 6; PS Measures 18, 19; S Measure 38

Table 2. General Plan Direction and Guidance for the Code Update	
Direction or Guidance	**General Plan Policy or Measure[1]**
Require non-residential development to minimize conflicts with residential neighbors, including noise, dust, and odor	LU Policy 8.5; COS Policy 7.7 & Measure 28; N Policies 1.1, 1.7, 2.1, 2.2, 2.4-2.7 & Measures 1, 4; H Policy 2.4 & Measure 22
Prevent outdoor light spillover and glare	UD Measures 19, 22
Address regulatory impediments to new businesses and business expansions, such as sign regulation issues	ED Policy 3.5
Protect significant historic, archaeological, and cultural resources	COS Policies 2.1, 2.2, 2.9 & Measures 8, 10
Encourage varied housing types, sizes, and tenure opportunities compatible with surrounding uses	H Policies 1.1, 1.4, 1.6, 1.10, 1.24, 3.2
Develop incentives to expand housing opportunities for target income groups and special needs population without compromising design standards	H Policies 1.5, 3.1, 3.6
Codify inclusionary housing requirements and associated policies	H Policies 1.11, 1.12, 3.6 & Measure 19
Update the Zoning Code to comply with State mandates	H Measures 2, 3, 19, 23

1. LU = Land Use Element, UD = Urban Design Element, H = Housing Element, ED = Economic Development Element, CIR = Circulation Element, N = Noise Element, COS = Conservation and Open Space Element, S = Safety Element, PS = Public Services Element

1.4 Community Engagement

Community engagement activities were conducted as the initial work item for the Code update. These activities consisted of stakeholder interviews and a joint City Council/Planning Commission workshop, both of which revealed crucial Code issues.

Stakeholder Interviews

Stakeholder interviews served to collect community and City staff knowledge of zoning related concerns and opportunities. Over the course of two days, in late September 2015, approximately 25 stakeholders were interviewed.

Interviews consisted of a series of open-ended questions intended to maintain consistency among interviews while allowing interviewees to drive the discussion in an open, informal manner. Interviews were conducted confidentially to facilitate a direct and honest dialogue. Topics consistently raised were permitting procedures, the 'Wine Ghetto', 'Old Town', commercial zones, the Mixed-Use (MU) Zone, mixed-use development, signs, airport uses, housing, performance standards, and parking[2].

[2] Please see the Stakeholder Interviews – Summary Memo, dated October 2, 2015 by Lisa Wise Consulting, Inc. for a detailed summary of stakeholder interview feedback.

Joint City Council/Planning Commission Workshop

On October 27, 2015, the City Council and Planning Commission held a joint workshop to review basic zoning code components, report feedback from stakeholder interviews, and discuss general policy direction and items of concern for the Code update.

The discussion focused on concerns and opportunities related to the 'Wine Ghetto', 'Old Town', commercial and mixed-use zones, mixed-use development, signs, airport uses, and parking. The majority of City Council confirmed the prioritization of the sign ordinance update, which will be completed ahead of the comprehensive Code update[3].

1.5 Summary of Code Diagnosis Key Issues

The Code diagnosis analysis identified six key issues inhibiting achievement of Code update objectives:

1. Disorganized and inconsistent structure
2. Incomplete standards and inadequate cross-referencing
3. Unclear permit requirements and procedures
4. Ineffective zoning to achieve vision
5. Sign regulation issues
6. Not compliant with State and Federal law

These key issues are discussed in Section 2.

[3] Please see the Joint Council/Planning Commission Workshop – Summary Memo, dated November 12, 2015 by Lisa Wise Consulting, Inc. for a detailed summary of the joint workshop.

2 Diagnosis

This section discusses key issues that are diminishing the Code's ability to achieve desired City outcomes such as implementation of the General Plan and the provision of a user-friendly, modern, and legally defensible Code.

2.1 Analysis Criteria and Key Issue Areas

The Code was reviewed under the following criteria:

- ***Clarity***: How easy it is to understand the intent of each zone, the development standards, applicability of the standards, and applicable permit and approval procedures. This affects usability as well as predictability of the standards and procedures.
- ***Consistency***: How the Code presents the zones, procedures, and requirements, and if it is consistent in layout, terminology, development standards, land use designations, etc. This impacts the simplicity and usability of the Code.
- ***Completeness***: Whether the Code contains all the information necessary for someone interested in conducting activities or development in Lompoc. This is related to clarity but analyzed separately.
- ***Effectiveness***: How effective the zones and development standards are in achieving the General Plan vision. This is analyzed based on professional experience in addition to a review of existing conditions and issues raised by elected and appointed officials, business owners, community members, City staff, and other stakeholders.

Based on the above criteria, six key issue areas were identified:

1. ***Disorganized and inconsistent structure***: The Code is disorganized and lacks consistent format and structure. (See Section 2.2)
2. ***Incomplete standards and inadequate cross-referencing***: Missing and inconsistent information make the Code difficult to use. (See Section 2.3)
3. ***Unclear permit requirements and procedures***: Ambiguous permit requirements and incomplete procedures are undesirable for users and regulators. (See Section 2.4)
4. ***Ineffective zoning to achieve vision***: Development standards are ineffective in producing high-quality projects consistent with the community's goals for long-term development and revitalization. (See Section 2.5)
5. ***Sign regulation issues***: Sign regulations are not achieving desired outcomes and do not comply with the US Supreme Court *Reed v. Town of Gilbert* decision. (See Section 2.6)

6. ***Not compliant with State and Federal law***: The Code does not comply with State or Federal law in certain instances, which must be corrected. (See Section 2.7)

2.2 Disorganized and Inconsistent Structure

Code organization is best defined as the structure and outline. It deals with how the content of the code is grouped together and how easy it is for a code user to find information. Related to organization is presentation, which deals with formatting considerations, such as section page layout, headings, use of numbering and bullets, font size, margins, graphics, and tables. A well-organized code is easy to use, navigate, and understand, reducing the possibility of overlooking important information or misinterpretations. This section summarizes key findings related to the organization and presentation of the Code:

- Disorganized Code Structure
- Inconsistent Chapter Outline
- Scattered Definitions
- Lack of Tables and Graphics
- Unclear Numbering System

Disorganized Code Structure

Overall, the Code lacks a user-friendly structure with clear hierarchy. With only three divisions, the Code does not organize or group regulations in an intuitive manner, leaving Division 3 to serve as a catch-all that requires users to sift through each section to find information.

The structure within each division and chapter is equally disorganized, where similar topic areas such as permits, standards, and special uses are intermixed rather than grouped together. For example, Chapter 17.088 “Special Development Standards” is an overly broad Chapter with a variety of supplemental standards or exceptions to base zones that could be re-organized as smaller individual chapters for ease of use (e.g., all exceptions related to setbacks within the same chapter). Organizing related content together makes it easier to find, provides clarity, and reduces repetitiveness.

Inconsistent Chapter Outline

The chapter structures for similar topics (e.g., zones) are inconsistent across chapters (i.e., the sections within each chapter vary). This inconsistency makes it difficult to compare uses and standards across each zone, as it becomes unclear if the content is missing, located elsewhere, or not required (see also Section 2.3, Incomplete Standards and Inadequate Cross-Referencing).

The following example on uses illustrates the issue. The inconsistent terminology and outline between the R-3 and MU Zones makes it unclear what the prohibited uses are in the R-3 Zone.

Use regulations in the R-3 Zone are found in sections:

- 17.028.020 - Uses Permitted,
- 17.028.030 - Uses Permitted Subject to Obtaining a Conditional Use Permit, and
- 17.028.035 - Minor Use Permit.

Use regulations in the MU Zone are found in sections:

- 17.056.030 - Land Uses and Permit Requirements,
- 17.056.040 - Permitted Uses,
- 17.056.050 - Conditionally Permitted Uses,
- 17.056.055 - Minor Use Permit, and
- 17.056.060 - Prohibited Uses.

The inconsistency in organization of permitting procedures in Title 17, including the structure of each permit chapter in Division 3, presents similar problems with locating and comparing permit requirements.

While most permit procedures are located in Division 3, other procedures are found in other sections throughout the Code.

- For example, the Code has Amendment to the Zoning Map procedures in Division 2, Section 17.12.040, and Amendment to Title procedures in Division 3, Chapter 17.132, without cross-reference between either Chapter or Section.

The sections within each permit chapter also vary, making it unclear if the content is missing, located elsewhere, or not required.

- For example, Chapter 17.124 provides requirements for Use Permits including revocation and modification of use permits. Chapter 17.136, “Home Use Permits” does not provide similar information, but also does not explicitly state that Home Use Permits are exempt from such requirements.

Replicating a consistent section structure for similar chapters ensures the user can quickly locate necessary material and prevents omission of vital information. See Section 2.3 for additional discussion on completeness and cross-referencing and Section 2.4 for additional discussion on permit requirements and procedures.

Scattered Definitions

Definitions of key terms are interspersed throughout the Code demonstrating the Code’s lack of organization. In addition to Chapter 17.008 “Definitions”, additional definitions can be found in approximately 15 other Code sections. Dispersing definitions increases the potential for duplication and internal inconsistencies.

Lack of Tables and Graphics

There is an overall lack of tables and graphics in the Code. For example, Division 2 presents uses and standards in lists rather than in a comprehensive table, which is currently best practice, and generally relies on omission to indicate when uses are not allowed or when a standard is not required. Providing tables for allowed uses and development standards can clarify what is allowed and required within each zone as compared to other zones.

The example below shows a table that organizes allowable land uses and associated permit requirements for residential zones. It also has cross-references to additional standards in other sections, which improves navigation and helps to ensure consistent application.

Figure 1: Residential Zones Allowable Land Uses and Permit Requirements Table (partial), Calipatria, CA

Table 2-1.Residential Zones Allowable Land Uses and Permit Requirements					
Land Use	R-1	R-2	R-3	MHP	Specific Use Regulations
Recreational Vehicle Park	--	--	--	P	
Riding and Hiking Trail	P	P	P	P	
School, Specialized Education/Training < 3,000 sf	CUP	CUP	P	--	
Residential					
Accessory Structure	--	CUP	P	P	Section 2.26.020
Dwelling, Duplex	MUP	P	P	--	
Dwelling, Multi-family	--	P	P	--	
Dwelling, Single-family	P	P	P	P	
Emergency Shelter	P	P	P	P	Section 2.26.060
Home Occupation	HOP	HOP	HOP	--	Section 4.14.030
Mobile Home Parks	--	--	--	P	Section 2.26.080

Graphics are practical in illustrating and defining development standards, such as those related to lot types, setbacks, parking, signs, and landscaping/screening.

Unclear Numbering System

Chapter numbering in the Code is sequential and unrelated to the division within which the section is located, making it difficult to quickly turn to cross-referenced sections or subsections. For example, Chapter 17.084 is in Division 2 and the next chapter, Chapter 17.088, is in Division 3. Subsection and paragraph numbering, however, is consistent and clear throughout the Code and adheres to the following format:

A. Subsection

1. Paragraph

a. Sub-paragraph

The use of bold or italic text may help further differentiate hierarchy within long sections.

2.3 Incomplete Standards and Inadequate Cross-Referencing

The elements of the Code discussed below illustrate where the Code omits applicable information or cross-referencing, leaving standards incomplete or ambiguous. Missing information may require interpretation by City staff, Planning Commission, or City Council, and can make the entitlement process uncertain or unclear for the applicant. This section summarizes key findings related to incomplete standards and zones, as well as inadequate cross-referencing.

Incomplete Standards

The Code lacks clear identification of certain standards such as building placement, building form, and lot requirements in each zone. While certain standards may not be applicable or appropriate in certain zones, it is unclear whether the lack of standards is deliberate or the result of a missing cross-reference (see below). Also, as mentioned in Section 2.2, above, this issue is further complicated because chapters for zones and permits are inconsistently organized.

Tables and standardized chapter outlines help ensure all information is provided, and standards that are not applicable are clearly noted as such. The example below shows a table that organizes development standards for commercial zones in Calipatria, California.

Figure 2: Commercial Zones Development Standards Table (partial), Calipatria, CA

Table 2-5.Commercial Zones Development Standards				
	CP-T	CP	DC	Specific Regulations
Building Placement Requirements				
Setbacks				
Front	15'	15'	5'	
Side Adjacent to Residential Zone Street Side	0' 5' 12'	0' 5' 12'	0' 5' 12'	
Rear Adjacent to Residential Zone	5' 20'	5' 20'	5' 10'	
Building Form Requirements				
Building Height (max.)	35' or 2 stories		50' or 4 stories	Section 3.10.030
Coverage (max.)	60%	70%	80%	

Incomplete Performance Standards

Performance standards deal with the operational impact of certain uses, and often include standards related to smoke, odor, dust, and glare. These standards are listed under industrial (BP and I) zones' development standards and are referenced in the planned development (PD and PCD) zones. To reduce confusion of applicability of the performance standards, these standards should be consolidated in a single section and adequately referenced where applicable for environmental consideration (not just in industrial zones). These types of standards facilitate compatibility with adjacent uses.

Incomplete Zones

The existing zones do not include two overlay zones as directed by the General Plan: H Street Corridor In-Fill Area Overlay and Southside Residential Overlay.

- ***H Street Corridor In-Fill Area Overlay*** – The purpose of the H Street Corridor Infill Area is to encourage attractive and pedestrian-friendly development, including mixed-use, of vacant or underutilized parcels along the corridor. This Overlay Area is discussed under *Ineffective Provisions for the H Street Corridor Infill Area*, in Section 2.5, below.
- ***Southside Residential Overlay*** – This Overlay acknowledges legally established dwelling units regardless of the density limits of the underlying zone (i.e., legal nonconforming).

  This overlay serves a very discrete purpose, emphasizing that properties not in compliance with current density limitations in this area are allowed as legal nonconforming uses, and should be included in the Code update and appropriately referenced with nonconforming provisions.

Inadequate Cross-Referencing

Relevant standards and procedures are spread out in the Code and inconsistently referenced, or not cross-referenced at all. This results in two key problems.

First, missing cross-references may result in the applicant or the reviewer being unaware of applicable standards. For example, landscaping, parking, and fence requirements are located in Division 3, yet are not cross-referenced in base zone development standards provided in Division 2. This problem is exacerbated by the fact that many required standards are buried in Division 3 under the broad Chapter heading "Special Development Standards", which may be misleading as many of the standards are relevant for a broad range of projects.

Second, missing cross-references lead to duplication of similar information in multiple locations. Without proper cross-referencing, duplicated standards may, over time, be modified in one location without being modified in the other. This has already led to some inconsistencies. For example:

- Landscaping for parking areas is more extensive in Section 17.092.040 than in Section 17.112.070.
- Screening requirements vary slightly between Section 17.088.150.B and Section 17.092.030.

2.4 Unclear Permit Requirements and Procedures

Development regulations are most effective when applied through a transparent process. The Code should clearly outline the required permit(s) along with the steps and requirements for review and approval. This section outlines some of the fundamental issues identified in the permitting process:

- Incomplete Procedures
- Unclear Minor Use Permit Applicability and Purpose
- Inadequate Use Regulations Affect Permitting
- Clarify Modifications from Code Standards Allowed with CUP
- Overly Strict Time Periods

See Section 2.2 for an analysis of organizational issues with permit requirements and procedures.

Incomplete Procedures

The majority of permit procedures are contained in Division 3, Special Uses, Provisions and Exceptions. Division 3 includes chapters for procedures associated with the following nine permits or approvals:

1. Architectural Review (Chapter 17.104)
2. Sign Permit (Chapter 17.108)
3. Variance (Chapter 17.120)
4. Minor Use Permit (Chapter 17.124)
5. Conditional Use Permit (Chapter 17.124)
6. Special Temporary Use Permit (Chapter 17.128)
7. Home Use Permit (Chapter 17.136)
8. Commercial Filming Permit (Chapter 17.138)
9. Amendments to Title (i.e., Zone Change) (Chapter 17.132)

Design review/development plan review (DR) is not described in a Division 3 chapter, but rather is embedded in the PCD Zone (Division 2, Chapter 17.048) and described in the Architectural Review Guidelines[4].

Although Division 3 also includes permits or procedures for adult businesses (Chapter 17.137), antennas and antenna systems (Chapter 17.096), day care homes (Chapter 17.100), surface mining and reclamation (Chapter 17.160), and wireless communication facilities (Chapter 17.164), the above nine permits and approvals are used for comparison purposes in the tables on the following pages (Tables 3 and 4).

[4] Since DR is required outside of the PCD Zone, these procedures should be organized and clarified in a separate chapter or section.

Table 3 lists each permit or approval and the typical kinds of information or subsections that should be included to help the user navigate the Code (some subsections may cross-reference other sections of the Code, such as hearings and noticing). As the Table illustrates, only the Commercial Filming Permit contains all of the typical information for application review and approval. Furthermore, although the other permits contain a majority of the necessary information, the location of the information varies from permit to permit, making it difficult to locate information and appearing as though information is missing.

Table 3. Permit and Approval Requirements

Permit/ Approval	Typical Information or Subsection								
	Intent	Applicability	Review Authority	Application Requirements	Processing Time	Required Findings	Conditions	Hearing/ Notice	Post Decision Procedures
Arch Review	x	x	x	x	x	x	inc	-	x
Sign Permit	x	x	x	x	inc	x	-	inc	x
Variance	x	x	x	x	x	inc	x	x	x
Minor Use Permit	x	x	x	x	inc	x	x	x	x
Conditional Use Permit	x	x	x	x	inc	x	x	x	x
Special Temporary Use Permit	x	x	x	x	-	x	-	-	-
Home Use Permit	x	inc	x	x	x	-	x	-	inc
Commercial Filming Permit	x	x	x	x	x	x	x	x	x
Amendment to Title (Zone Change)	x	n/a	x	x	inc	x	inc	x	-

Key:
x – Complete inc – Incomplete
- – Missing n/a – Not Applicable

As another example of structure and clarity, Table 4 shows the Code section heading that identifies the review authority[5] and the required findings for each permit/approval type. For example, the review authority for architectural review is identified under the Project Approval section, but the review authority for a variance is identified under the Intent and Purpose section. As the Table illustrates, information is not referred to similarly across permit/approval types, and is often placed in a section which is not intuitive.

Table 4. Name of Code Section(s) Containing Information on Review Authority and Required Findings for Approval

	Permit or Approval							
	Arch Review	Sign Permit	Variance	MUP/ CUP	Special TUP	Home Use Permit	Com. Filming	Amendment to Title (Zone Change)
Review Authority	Project Approval	Action of Approving Authority for Permit Applications, General Limitations	Intent and Purpose	Procedures	Special Temporary Use Permit Procedure	Application Procedure	Permit Approval/ Denial	Public Hearing and Decision – City Council
Required Findings for Approval	Adoption of Arch Review Guidelines	Criteria for all Signs Requiring a Permit	Action by Planning Commission	Approval-Findings	Special Temporary Use Permit Procedure	n/a	Permit Approval/ Denial	Report and Recommend-ation – Planning Commission

When permit and approval procedures are unclear, the entitlement process may be delayed, adding to the cost of development and potentially deterring investors. As similarly discussed in Section 2.2, developing a consistent outline for each permit/approval will help remedy these issues, make the Code more user-friendly, provide more certainty to applicants, and facilitate permit streamlining.

Unclear Minor Use Permit Applicability and Purpose

The Code does not clearly outline applicability and purpose of use permits so as to embed certainty and equity in the project review and approval process.

Intent of Use Permits is provided in Section 17.124.010 "Intent and Purpose", which states: "…are those uses necessary for the development of the community, having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses." There are two categories of Use Permits:

1. Conditional Use Permit (CUP) approved by the Planning Commission
2. Minor Use Permit (MUP) approved by the Zoning Administrator

[5] Individual or entity having the responsibility and authority to approve or disapprove a permit application (e.g., Community Development Director, Planning Commission, City Council, etc.).

In Division 2, most uses subject to a CUP are allowed with a MUP if the use is located in an existing building and adheres to the requirements of the zone. No other uses are allowed with a MUP, only those already allowed with a CUP.

Under this regulatory framework, it is assumed that (for the same use) new construction has a greater impact and requires a greater level of review than no construction. While this may be the case in many situations, it ignores the potential for the use rather than the construction to be a source of incompatibility with surrounding uses due to noise, location, traffic, etc., and thus a need for higher level of review or requirement of certain conditions of approval to minimize associated impacts.

Additionally, current best practice is to regulate uses based on different levels of associated impacts and to process more permits at the staff level (i.e., MUP) to streamline the entitlement process. In some jurisdictions, only large construction projects or high intensity uses require a CUP[6].

Inadequate Use Regulations Affect Permitting

Outdated and Narrowly Defined Allowed Uses Affect Permitting Procedures

The Code includes numerous very narrowly defined uses. For example, retail uses specified in the Code include apparel shops, jewelry stores, shoe stores, toy shops, sporting goods stores, supplies stores, electronic parts and supplies, gift shops, and others. This approach has resulted in approximately 250 land uses listed within the Code. Narrowly defining uses results in a cumbersome code that typically requires more interpretations to "fit" new and desired uses into the narrowly defined categories. This is often demonstrated through the number of Director's interpretations and use permits processed; the number of which was raised as a concern during stakeholder interviews. Use determinations and interpretations are standard and typical of the most efficient codes, but extensive interpretations can be considered an obstacle to new business and development.

Moreover, a code's longevity is impacted by narrowly defined uses. The Code identifies uses such as furrier shops, draperies and yardage stores, and millinery shops, which are outdated and make the Code unnecessarily lengthy.

Limited Uses Allowed in Wine Ghetto (Industrial Zones)

The Wine Ghetto, located in the industrial zones, is prohibited from having food service. Although City staff has committed to allow temporary food service operations in the Wine Ghetto with a temporary use permit immediately, a permanent solution has not yet been devised. Without adequate food service, there is concern Lompoc will be unable to remain competitive with regional wine tasting destinations. Code

[6] A conditional use permit adds risk to a development as it entails a level of entitlement uncertainty. Reducing entitlement uncertainty helps to maximize the opportunity for redevelopment.

modifications should address food service in the Wine Ghetto, including standards and permit requirements.

Inflexible Temporary Use Regulations

While the Code provides for the Director's interpretation of whether a land use, which is not explicitly allowed, may be allowed, the Planning Commission's determination is required for such an interpretation for temporary uses that are not listed in the Code (Section 17.128.020.I). As such, additional time is needed to review and permit new, and potentially highly desirable, temporary uses.

Clarify Modifications from Code Standards Allowed with CUP

The Planning Commission can approve a Use Permit to allow deviations from yard, fence, height, and lot size requirements "to provide a necessary means by which certain land uses can be designed and arranged in accord with existing conditions of the neighborhood, site, topographic and street conditions, as well as utilization of various design concepts" (17.124.010). The added flexibility from strict standards can help reduce constraints to desirable projects, yet too much flexibility can lead to projects inconsistent with the intent of the Code. To clarify the process and ensure compatibility of new development, the type and extent of modification from the Code that are permissible could be defined in the Code. Additionally, the relationship of this allowance to variances should be clearly defined, as a Variance, by law, has certain requirements and findings.

Overly Strict Permit Time Periods

Time periods for permit review and approval are specified for certain permits (e.g., Architectural Review - 17.104.040, Signs - 17.108.160, and Home Use Permits - 17.136.030.B.1). Some of these time periods are more restrictive than those outlined by the State Permit Streamlining Act (PSA) or are unclear as to their relationship to the PSA (i.e., whether the time period is only applicable to an application that is deemed complete). Strict timing requirements can be problematic if unique or special circumstances arise which prevent compliance with tight timelines. Permit review time periods should ensure compliance with the PSA while also being reasonable for the City to implement.

2.5 Ineffective Zoning to Achieve Vision

A zoning code is one tool that enables and encourages attainment of a general plan vision. See Table 2 in Section 1 for General Plan guidance and direction for the Code update. The following development principles are reflected in the Lompoc 2030 General Plan vision:

- Compact urban form
- Commercial infill and redevelopment
- Walkable commercial areas
- Preservation of historic areas
- Preservation of views and ridgelines
- Affordable housing

The Code contains development standards that are not conducive or effective in achieving the types of places envisioned by the General Plan. The following discusses the standards that may impede desired development.

Standards do not Allow or Encourage Compact Development Types

To achieve a compact form, development standards should accommodate adequate densities and intensities so edge development and sprawl are minimized or avoided. To this end, the 2030 General Plan increased allowable density to 44 units per acre in the OTC and MU zones, but the Code has not yet been updated to reflect this. Additionally, development standards such as minimum lot size, maximum building height, and parking rates, should be reviewed within this context. To achieve compact development goals, density and FAR standards may be reconsidered and evaluated as part of the incentive program for infill projects.

Ineffective Standards and Incentives for Infill and Redevelopment

Ineffective Provisions for the H Street Corridor Infill Area

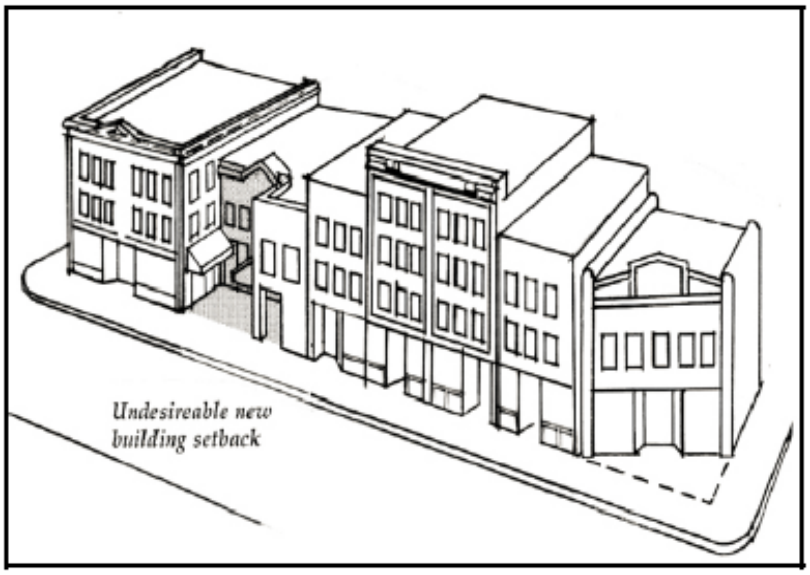
The purpose of the H Street Corridor Infill Area is to encourage attractive and pedestrian-friendly development, including mixed-use, of vacant or underutilized parcels along the corridor.

New development standards are needed to implement this General Plan Overlay Area, which generally corresponds to the Planned Commercial Development (PCD) Zone where the underlying development standards are from the C-2 Zone. The C-2 Zone allows the tallest buildings, 4-stories or 50 feet, and does not require a front yard setback; however, it does not allow residential uses or establish a minimum building height, build-to line[7] (see Figure 3, below), or standards for building facades or

[7] A build-to line would require new buildings to be located adjacent to the street and parking located behind buildings, contributing to a pleasant and safer walking experience. This type of standard is directed by Land Use Element Measure 23.

entrances, which are key to the development of an attractive mixed-use and pedestrian-friendly district. As discussed in Measure 10 of the Land Use Element, analysis is necessary to determine the relationship of this overlay zone to the PCD Zone.

Figure 3: Old Town Specific Plan, Setbacks and "Build To" Lines



The PCD process allows case-by-case review of developments that include deviations from C-2 Zone standards. While this provides flexibility, it also creates uncertainty for applicants, as they may have to develop several plan iterations before the Planning Commission determines if the project is consistent with the City's goals. Also, now that the General Plan established a vision for the H Street Infill Area, it may be appropriate to develop specific standards to ensure realization of that vision. New standards could be implemented through modifications to the PCD Zone or through the creation of a new base zone or overlay zone, which could allow different regulations over the length of the corridor. The Code should make it easy for applicants to establish uses or develop projects that implement the General Plan vision. Under the current Code, the C-2 and PCD zones are unlikely to facilitate desired development in the H Street Corridor Infill Area.

Incentives not Commensurate with Benefits

The Code provides incentives for development in the OTC Zone that includes pedestrian linkages or public plazas. However, the incentives offered for such benefits are a 10 percent increase in sign area (typically a 10 percent deviation from standards is considered minor and approved at the staff level) or negotiations through a development agreement (which is an option for any project as outlined by State law). The level of incentives are not commensurate with the public benefits outlined, and as such, no development is likely to be incentivized.

Restrictions on Residential Units in Mixed-Use Developments

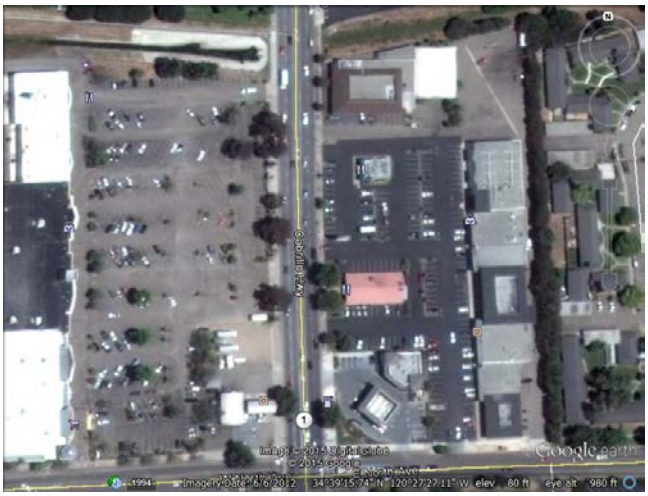
The OTC Zone prohibits residential units on the first floor of any mixed-use development (17.52.030.E). Although it may be appropriate to limit residential along the street frontage, there may be an opportunity to allow residential units on the first floor, behind commercial space to help increase reuse or redevelopment feasibility.

Standards not Supportive of Walkable Urban Environments

Parking Standards are Restrictive in Commercial Zones

Parking is a significant cost for new development and is considered an inefficient use of land in mixed-use, transit served, walkable areas. Except for the OTC and MU zones, parking standards do not incorporate considerations for trip capture (where two or more uses in proximity result in only one vehicle trip), staggered peak demand (where two or more uses utilizing the same parking have distinct and different hours of peak parking demand), or the flexibility to reduce parking requirements subject to transportation demand management measures[8]. Allowing options for the reasonable reduction in parking spaces would help to encourage the redevelopment of underutilized sites, promote walking in commercial areas, and is also consistent with compact urban form.

Figure 4: H-Street Parking Lots, Google Earth



Increased Residential Density not yet Codified

The General Plan allows for increased residential density in both the OTC and MU zones from 21.8 units per acre to up to 44 units per acre. This increased density has not yet been incorporated into the Code. Higher density facilitates the creation of and supports a walkable, compact downtown.

Desired Uses not Allowed or Encouraged

Sidewalk cafes require a conditional use permit (CUP) in the OTC Zone and are not identified as a permitted use in the C-2 Zone, including the H Street Corridor Infill Area. Standards specific to these types of uses can be established to achieve the same objectives sought through a CUP.

[8] Transportation demand management measures include multi-modal infrastructure, transit service and facilities, carpooling/vanpooling programs, parking cash-out incentives for employees, selling or renting parking separately from multi-family residential units, and others. Circulation Element Measure 19 requires a transportation demand management plan for non-residential projects over 100,000 square feet.

Lack of Frontage and Public Realm Standards

Standards that create a welcoming, comfortable, and safe pedestrian environment are generally lacking in the Code. Although the OTC and MU zones include minimum building height, which frames the street frontage, this standard is not included in other zones. Building design, pedestrian access, public open space, landscaping, and lighting standards are also important in the creation of walkable urban environments.

Figure 5: Burton Ranch Specific Plan, Figure 26 – Suggested Streetlight

Limited Regulation to Preserve Historic Resources

The Cultural Resources (CR) Overlay requires architectural review for projects that involve changes to or impacts on designated historic structures, places, or landmarks, but this Overlay does not extend across all historic properties in Lompoc. Identifying a citywide certificate of appropriateness permit for these types of projects rather than embedding such a requirement in the CR Overlay and architecture review process may be more effective.

Missing Ridgeline and View Protection Development Standards

Lack of Hillside Development Standards

The Code only addresses minimum lot size, width, and depth for hillside development; standards are not included for siting of structures, site and building design, grading, or landscaping. New standards may incorporate, update, or reference the Architectural Review Guidelines.

No Standards Specific to View Protection

While the Code generally includes low building heights, no specific standards address protection of public views and view corridors.

Limited Ability to Encourage Affordable Housing

The inclusionary housing requirements of the Housing Element (Policy 1.11) are referenced in Section 17.168.030 (Applicability) of the Housing In-Lieu Fee Program but are not prescribed in the Code. To improve transparency and implementation, a housing chapter could be prepared that details the inclusionary housing requirements as well as options available for compliance, including participation in the Housing In-Lieu Fee Program. Inclusionary housing requirements would not apply to rental housing unless a financial incentive is provided to the developer consistent with the *Palmer/Sixth Street Properties v. City of LA* decision (see Table 6 in Section 2.7, below).

Incorporating measures from the Housing Element into the Code, as discussed in Section 2.7, will encourage affordable housing through updated regulations for density bonuses and incentives, land uses, and other regulations.

2.6 Sign Regulation Issues

The Code's sign regulations, Chapter 17.108, present clear legal issues, particularly related to the recent US Supreme Court *Reed v. Town of Gilbert* decision. Due to the significance of this decision, a summary of the case and its implications is included below.

Reed v. Town of Gilbert, US Supreme Court No. 135 S.CT. 2218, 2015

Case Summary

Mr. Reed is the pastor of a small church, the Good News Community Church, whose Sunday services are held at various temporary locations within the Town of Gilbert, Arizona. As they do not have a fixed location, on Saturday mornings Pastor Reed posted signs bearing the name of the church along with the time (typically 9:00 am) and location of the next day's service. The signs were removed shortly after the church service.

The Town of Gilbert's sign code prohibited the display of outdoor signs without a permit, except that 23 categories of signs were exempted. These included ideological signs, political signs and "temporary directional signs to direct the public to a church or other qualifying event". In addition, each of these sign types had specific area limitations and time and placement restrictions as summarized in Table 5, below:

Table 5. Town of Gilbert Outdoor Sign Exemptions – Ruled Unconstitutional

Sign Type	Example Message	Area (Max.)	Where?	How long?
Ideological Signs	"Save the Whales"	20 sq.ft.	Anywhere	No limit
Political Signs	"Vote for Bob"	Residential - 16 sq.ft. Commercial - 32 sq.ft.	Private property; not Town right-of-way	60 days before primary election 15 days after general election
Temporary Directional Sign Relating to a Qualifying Event	"Church Meeting at 9:00am"	6 sq.ft	Public or private land; max. 4 on a property at one time	12 hours before 1 hour after

The church was cited by the Town of Gilbert ("Town") for placing temporary directional signs in violation of the Town's sign code standards. Specifically, the church was cited for exceeding the time limits for displaying its temporary directional signs (it was argued that it made no sense to post the signs after 9:00 pm to meet the 12 hours before the event standard), and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, the church filed suit claiming that the sign code abridged its freedom of speech. After losing his case in front of the Arizona District Court and the Ninth Circuit Court of Appeals, Pastor Reed sought review by the US Supreme Court. The case was argued in front of the US Supreme Court on January 12, 2015, and decided on June 18, 2015. The US Supreme Court ruled 6-3 in favor of Pastor Reed.

Implications of the Reed Decision

The US Supreme Court's decision in this case has far reaching implications for the day-to-day regulation of signs and affects regulations both temporary and permanent signs. The key takeaways from the *Reed* decision are summarized as follows:

- ***Sign Codes Must be Content Neutral*** - Sign codes may regulate such things as the area, height, location, number, lighting, and materials of a sign, but the message must not determine if a sign stays up or down, or what applicable regulations would apply. For example, different standards can be created for a "wall sign", "freestanding sign" or a "temporary yard sign" but not for a "political sign", "gas station sign" or "real estate sign". Content-based sign regulations are presumptively unconstitutional. However, commercial signs as a class may still be regulated differently than non-commercial signs if a substantial government interest exists to support the differing treatment.

Figure 6: Real Estate Sign (Copyright American Planning Association)

- ***Sign Ordinances Must be Limited to Time, Place, and Manner Regulations*** - Time, place, and manner regulations for signs are acceptable provided they are content neutral (i.e., they do not vary based on the message of a sign), narrowly tailored, and serve a legitimate government interest such as public safety. Off-premise signs may be regulated differently than on-premise signs (e.g., a municipality can likely still prohibit off-premise commercial signs).

- ***Sign Exemptions Should be Minimized*** - A municipality cannot exempt certain categories of signs to avoid review based on content. Exempting a category of signs, such as political or real estate signs, is regulating them differently than other categories of signs containing noncommercial speech. Because the distinction is content-based, such an exemption is presumptively unconstitutional. It is acceptable to have some exempt signs that are truly content neutral, but care must be taken as often sign codes will exempt signs that have equivalent rights to signs that are not exempted. An example of legitimate exempt signs are government signs or "signs required by law" because of their obvious association with public health and safety. Other examples of appropriate exempt signs are flags of national, state, and local government, historic plaques, seasonal decorations, etc. Typically the shorter the list of exempt signs, the less at risk the code will be.

Extensive changes will be required to Lompoc's sign regulations to achieve a sign code consistent with the content neutral standards established in the *Reed* decision. Signs regulated by content (e.g., construction announcement signs, institutional signs, real estate signs, subdivision model home signs, manager or office manager signs, community activities signs, etc.) will have to be regulated in a content neutral manner.

Additional Sign Code Issues

In addition to content-based issues further revealed through the *Reed* case, the following items should be addressed in the sign code update:

- The structure is not logical and does not reflect best practices for organization.
- No graphics are provided to facilitate the user's understanding.
- The regulations are cumbersome, yet incomplete and difficult to compare across zones. The use of tables can address this.
- The review procedure is not clearly organized and located in different places (17.108.110, 17.108.160.A, and 17.104.020.A).
- Regulating the number of colors allowed on a sign and trademarks is undesirable (17.108.030.C and G).
- There is no discussion of historic signs or murals not advertising a business. The Old Town Specific Plan identifies historic signs in the Old Town Commercial Zone.
- Old Town Specific Plan sign regulations are not incorporated into the sign code. For example, the sign code prohibits A-frame signs in all zones, but the Old Town Specific Plan allows A-frame signs.

2.7 Not Compliant with State and Federal Law

The Code is not fully compliant with a variety of State and federal laws as shown in Table 6. Additionally, various Housing Element policies and measures reflect legal mandates, which must also be included in the Code update although not specifically listed in Table 6 (e.g., reasonable accommodations, single room occupancies, etc.).

Table 6. Legal Analysis			
Title	**Citation**	**Description**	**Code in Compliance?**
Accessory to Residential			
Community Care Facilities	Cal. Health & Safety Code § 1566.3	A residential care facility that serves 6 or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning ordinances. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.	No
Family Day Care Homes	Cal. Health & Safety Code §§ 1597.30 et seq.	Small family day care homes in a single-family home (6-8 children) is a residential use and is not subject to a fee or business license. Large family day care homes may not be prohibited in single-family zones, but a city or county shall do one of the following: Classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use.	Yes
Cottage Food Operations	Cal. Gov't Code § 51035	A city or county may not prohibit cottage food operation (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.	Yes
Housing			
Density Bonus Law	Cal. Gov't Code §§ 65915 et seq.	Encourages development of affordable and senior housing by offering incentives including a project density increase of up to 35%. Because the Density Bonus Law is a state mandate, applicants who successfully meet the law's requirements must be awarded the appropriate bonus. Projects entitled to a density bonus include those that consist of certain portions and levels of affordable units, donate least one acre of land to city or county for affordable units, or are senior housing projects. Projects must consist of at least 5 total dwelling units to qualify. Affordable units must remain affordable for at least 55 years. For projects entitled to a density bonus, a local government may not require more parking spaces than specified in Cal. Gov't Code §65915(p).	No (partial compliance)
Emergency Shelters	Cal. Gov't Code § 65589.5	A local government may not deny supportive, emergency, or transitional housing absent certain findings, including that the jurisdiction meets its affordable housing needs, the housing would have an unmitigable impact on public health or safety, the denial is unavoidably required by state or federal law, the housing is proposed on land zoned for and surrounded by agriculture, the housing is inconsistent with the zoning and land use designations.	Yes

Table 6. Legal Analysis			
Title	**Citation**	**Description**	**Code in Compliance?**
Housing Development Approvals	Cal. Gov't Code §§ 65913 et seq.	Expedite state and local residential development, assure local governments sufficiently zone for affordable housing, and assure local governments encourage and incentivize affordable housing.	No (partial compliance)
Legal Nonconforming Multifamily Dwellings	Cal. Gov't Code § 65852.25	Local agencies may not prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire or other catastrophic event, unless certain findings are made. These findings include that the reconstruction, restoration or rebuilding would be detrimental to public health or safety, and the existing nonconforming use would be more appropriately moved to a zone that allows the use.	No (partial compliance)
Local Manufactured Homes	Cal. Gov't Code §§ 65852.3-.5	Local agencies must allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lot zoned for single-family dwellings. Manufactured homes must be subject to the same development standards and permit requirements as a single-family home and subject to the same permit requirements as a conventional single-family dwelling. However, a local agency may impose additional requirements for manufactured homes for roof overhang (not to exceed 16 inches), roofing material, and siding material only.	No
Second Residential Units	Cal. Gov't Code § 65852.2	A local agency may adopt an ordinance that provides for the creation of second units in single-family and multi-family residential zones. However, a local agency may not adopt an ordinance that totally precludes second units within single-family or multi-family residential zones, unless the ordinance includes findings that such second units would result in specific adverse impacts to public health and safety.	No (partial compliance)
Transitional and Supportive Housing	Cal. Gov't Code § 65582	Updated definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.	No
CBIA v. City of San Jose	Case law	A city's inclusionary housing ordinance (requires developers to set aside a percentage of dwelling units for low to moderate income housing) does not impose an exaction requiring an essential nexus.	N/A (inclusionary ord. not codified)
Palmer/Sixth Street Properties v. City of LA	Case law	Inclusionary housing requirements as applied to rental housing violate the Costa-Hawkins Act (Cal. Code Civ. Pro. §§1954.51-.535), unless the developer receives direct financial assistance or any incentive from the Density Bonus Law (Cal. Gov't Code §§65915 et seq.).	N/A (inclusionary ord. not codified)

Table 6. Legal Analysis			
Title	**Citation**	**Description**	**Code in Compliance?**
Landscape			
Drought Tolerant Landscaping	Cal. Gov't Code § 53087.7	Cities or counties may not enact any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation drought tolerant landscaping, synthetic grass, or artificial turf on residential property.	No
Water Conservation in Landscaping Act of 2006	Cal. Gov't Code § 65597	Requires local agencies to adopt the updated Department of Water Resources (DWR) Model Ordinance or a local landscape ordinance that is at least as effective in conserving water as the updated model ordinance.	N/A (Ch. 15.52)
Statewide Water Restrictions Executive Order	Cal. Exec. Order B-29-15	31 directives, including: The California Water Board will impose restrictions on water use to achieve a 25% reduction in potable urban water usage, the Department of Water Resources (DWR) will lead a statewide initiative to replace 50 million square feet of lawns, and new homes and developments will be prohibited from irrigating with potable water unless water-efficient drip irrigation systems are used.	N/A (Ch. 15.52)
Procedures			
Approval of Solar Energy Systems	Cal. Gov't Code § 65850.5	Solar energy systems shall be approved administratively through a nondiscretionary permit (e.g., building permit or similar). Requirements will be limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. By September 30, 2015, every city and county shall have an ordinance expediting permitting for small residential rooftop solar energy systems.	No (partial compliance; Ch. 15.74)
Development Agreements	Cal. Gov't Code §§ 65864 et seq.	Specify procedures and requirements for development agreements.	N/A
General Plan Consistency	Cal. Gov't Code § 65860	A city's or county's zoning ordinance must be consistent with its general plan.	No
Permit Streamlining Act	Cal. Gov't Code §§ 65920 et seq.	Specifies permit review requirements and timelines (e.g., 30-day completeness review).	No
Prezoning	Cal. Gov't Code § 65859	A city may prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city.	Yes
Public Hearings	Cal. Gov't Code §§ 65090 et seq.	Specify public hearing noticing requirements applicable to CUPs or equivalent and revocation or modification of a variance or use permit or equivalent.	No (partial compliance)
Variances	Cal. Gov't Code §§ 65900 et seq.	Specifies findings and requirements for variances. The board of zoning adjustment or zoning administrator can be authorized to act on variance requests without a public hearing on the application via ordinance approval (§65905). The ordinance must specify the types of variances may be granted without a public hearing.	No (partial compliance)
Zoning Amendment Procedures	Cal. Gov't Code §§ 65853 et seq.	Specify procedures for zoning ordinance amendments.	No (partial compliance)

Table 6. Legal Analysis			
Title	**Citation**	**Description**	**Code in Compliance?**
Signs			
Reed v. Town of Gilbert	Case law	Gilbert sign ordinance defined and distinguished categories of signs--temporary directional signs, political signs, and ideological signs--and applied different restrictions to each. The US Supreme Court held that the sign ordinance was content-based on its face, because the category definitions depended entirely on the sign's communicative content. Accordingly, the sign ordinance must pass strict scrutiny. In this case, the sign ordinance did not pass strict scrutiny.	No
Advertisers – Just Compensation	Cal. Bus. & Prof. Code § 5412	The government may not compel removal or restrict use or maintenance of a lawfully erected advertising display, unless the government provides just compensation under the California's Eminent Domain Law (Cal. Code Civ. Proc. § 1230.010).	N/A
Outdoor Advertising Act	Cal. Bus. & Prof. Code §§ 5200 et seq.	Signs located within 660 feet of the right-of-way outside urban areas intended to be viewed from the main travel way must be limited to certain directional and official signs and notices.	No
Telecommunications Facilities			
Telecommunications Act of 1996	47 U.S.C. § 332(c)(7)(B)	Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. The state or local on the must act on applications in a reasonable time and all denials must be in writing supported by substantial evidence.	Yes
Collocation Facility	Cal. Gov't Code § 65850.6	A collocation facility is a permitted use not subject to discretionary review if the facility is consistent with the requirements of the wireless facility where located and the wireless facility where located was subject to a discretionary permit.	No (partial compliance)
Wireless Telecommunication Facilities Review	Cal. Gov't Code § 65964.1	A collocation or siting application for a wireless telecommunications facility will be deemed approved if the city or county fails to approve the application in a reasonable time (based on FCC decisions), the applicant provided all required public notices, and the applicant provided notice to the city or county that the reasonable time period lapsed.	Under review with City Attorney

Table 6. Legal Analysis			
Title	**Citation**	**Description**	**Code in Compliance?**
Other			
Religious Land Use and Institutionalized Persons Act	42 U.S.C. § 2000cc	Prohibits governments from implementing or imposing a land use regulation that creates a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government can show that the regulation furthers a compelling government interest and is the least restrictive means of furthering the compelling government interest.	No
Mobile Food Facilities[9]	Cal. Health & Safety Code §§ 114294 et seq.	Requirements for mobile food facilities (e.g., the facility must be operated within 200 feet of an approved and readily available toilet and hand washing facility). Ice cream trucks are regulated by Cal. Veh. Code §22456.	N/A (Sections 10.28.140 and 5.08.150)
Adult-Oriented Businesses	Cal. Gov't Code § 65850.4	Local agencies may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards.	Yes

[9] Food trucks are not currently allowed.

3 Conclusion and Next Steps

This report will be used as the foundation to prepare the Code update approach and recommendations memo. These preliminary findings and recommendations will be discussed and refined through community engagement via public workshops, review sessions, and hearings. The sign code will be updated separately and in advance of the comprehensive Code update.

The near term milestones for the Code update are summarized below:

- Sign Ordinance Workshop – January 27, 2016
    - Planning Commission public workshop to discuss sign regulation issues, including those identified in this diagnostic report, and elicit discussion on potential options to address these issues.

- Recommendations and Approach Memo – February 2016
    - Initial recommendations to address issues identified in this diagnostic report and Council, Commission, stakeholder, and public comments.
    - Preliminary organizational structure, style guide, and annotated table of contents for the updated Zoning Code.

lisa wise consulting, inc.
planning economics natural resources

Memo

To: City of Lompoc
From: Lisa Wise Consulting, Inc.
Date: August 8, 2016
Re: Zoning Code Update - Recommendations and Approach Memo

BACKGROUND AND PURPOSE

This memorandum builds upon the City of Lompoc (City) Code Diagnosis prepared in January 2016 by Lisa Wise Consulting, Inc. (LWC). The Code Diagnosis analyzed the City's current Zoning Code (Code) for issues related to clarity, consistency, completeness, and effectiveness; identifying broad deficiencies and opportunities for improvement. This memorandum describes LWC's preliminary recommendations to address certain deficiencies as well as additional Code issues identified during stakeholder interviews and the joint City Council and Planning Commission workshop on October 27, 2015[1].

Several issue areas of the Code that require further community discussion and input are identified under "Topics for Community Discussion." Discussion topics primarily focus on Code issues related to economic development, such as implementing the H Street Corridor Infill Area, development incentives, increasing efficiencies related to the Old Town Specific Plan, and improving permit procedures.

Although numerous issues will be addressed through the Code update, two key issues were identified for additional analysis in the memorandum – the Wine Ghetto and Old Town. Because of Lompoc's location in the wine region of Santa Rita Hills, seven case studies are included to provide examples of wine industry regulations in other jurisdictions. The case studies are meant to facilitate the discussion and assist in determining how to update the Code to address issues related to the Lompoc's growing Wine Ghetto.

Further, additional analysis is provided related to Old Town, which identifies the potential for incorporating the Old Town Specific Plan standards and guidelines into the Code and Architectural Review Guidelines.

[1] Please see the Stakeholder Interviews – Summary Memo, dated October 2, 2015 and the Joint Council/Planning Commission Workshop – Summary Memo, dated November 12, 2015 for detailed summaries.

PRELIMINARY RECOMMENDATIONS

Recommendations Related to Code Diagnosis Issues

Table 1 summarizes preliminary recommendations for the Code update, organized by the six key issues areas identified in the Code Diagnosis:

A. Disorganized and Inconsistent Structure
B. Incomplete Standards and Inadequate Cross-Referencing
C. Unclear Permit Requirements and Procedures
D. Ineffective Zoning to Achieve Vision
E. Sign Regulation Issues
F. Not Compliant with State and Federal Law

Table 1: Preliminary Recommendations Related to the Code Diagnosis

PRELIMINARY RECOMMENDATIONS RELATED TO CODE DIAGNOSIS ISSUES	
A: DISORGANIZED & INCONSISTENT STRUCTURE	
1	Reorganize the Code according to the recommended organizational structure in the attached draft table of contents. This structure exhibits a hierarchy and numbering system that is intuitive and can accommodate amendments over time. Similar content, such as definitions, is grouped together to reduce repetitiveness and internal inconsistencies.
2	Revise the Code's format according to the attached preliminary style guide for consistent terminology, numbering, cross-referencing, and layout throughout the Code.
3	Incorporate tables and graphics to reflect best practices and improve Code usability.
B: INCOMPLETE STANDARDS & INADEQUATE CROSS-REFERENCING	
1	Incorporate consistent chapter and section structures to ensure completeness (see attached draft table of contents). Also applies to C, below.
2	Include tables to facilitate the provision of complete standards (see A.3, above).
3	Add cross-references to tables and text where appropriate to ensure transparency and consistent application of Code requirements.
4	Add citywide performance standards (see Chapter 17.3.04 in the attached draft table of contents).
5	Add the H Street Corridor Infill Area Overlay and Southside Residential Overlay (see Chapter 17.2.24 in the attached draft table of contents). Also see D.1, below, regarding H Street Infill Area.
C: UNCLEAR PERMIT REQUIREMENTS & PROCEDURES	
1	Include tables that clearly identify when permits are required and the review authority[2] for each permit type (land use and permit requirements table would be included in each zoning district chapter in Division 2).

[2] Individual or entity having the responsibility and authority to approve or disapprove a permit (e.g., Administrative, Planning Commission, City Council, etc.)

PRELIMINARY RECOMMENDATIONS RELATED TO CODE DIAGNOSIS ISSUES	
2	Incorporate design review into Code procedures (e.g., Architectural Design and Site Plan Review, Chapter 17.5.08 in the attached draft table of contents).
3	Define land uses more broadly (e.g., general retail, office, etc.) with definitions or use classifications that provide additional detail and examples. Ensure modern and new desired uses are accommodated (e.g., farm-to-table, etc.).
4	Update and expand the temporary uses allowed with a temporary use permit, and give the Director authority to interpret allowable temporary uses with the ability to refer to the Planning Commission as appropriate.
5	Develop a process to allow flexibility from Code standards by Director determination (see Chapter 17.5.36, Minor Modification, in the attached draft table of contents). This process shall be clearly distinct from a variance.
6	Update permit review time periods to be consistent with State law (Permit Streamlining Act) (also see F.11, below).
7	Add currently omitted permit and approval procedures, including those prescribed in the Housing Element or required by State law. Division 5 of the draft table of contents includes new permits and procedures for reasonable accommodations, development agreements, certificates of appropriateness, minor modifications, and condominium conversions. Also applies to D, below.
D: INEFFECTIVE ZONING TO ACHIEVE VISION	
1	Develop a new zone or overlay for the H Street Corridor Infill Area. New zoning standards should allow residential uses, require minimum building height, establish maximum setbacks, and provide other pedestrian frontage requirements consistent with the General Plan intent of the H Street Corridor Infill Area. New standards would facilitate achievement of a compact urban form and revitalization of H Street by leveraging existing resources and using land more efficiently. As identified in General Plan Land Use Element Measure 10, this may result in the elimination of the PCD Zone.
2	Include incentives for infill and mixed-use development that are commensurate with public benefits provided by such development (e.g., benefits not otherwise available to the applicant).
3	Modify development standards to reflect best practices in accommodating and encouraging infill, compact, and/or mixed-use development types. Standards may include lot size, lot coverage, parking rates, a mix of uses, ground floor residential[3], and building height.
4	Modify parking standards to incorporate trip capture (where two or more uses in proximity result in only one vehicle trip), staggered peak demand (where two or more uses utilizing the same parking have distinct and different hours of peak parking demand), and the flexibility to reduce parking requirements subject to transportation demand management measures[4] and other appropriate measures (e.g., in-lieu fee program, on street parking, etc.). See Chapter 17.3.08 in the attached table of contents.
5	Codify densities identified in the General Plan, such as increased density (44 units per acre) in the Old Town Commercial (OTC) and Mixed-Use (MU) zones (also see F.3, below).

[3] Currently, the OTC zone prohibits residential from the ground floor. Residential may be appropriate as horizontal mixed-use (e.g., behind a street fronting commercial use).

[4] Transportation demand management measures include multi-modal infrastructure, transit service and facilities, carpooling/vanpooling programs, parking cash-out incentives for employees, selling or renting parking separately from multi-family residential units, and others. Circulation Element Measure 19 requires a transportation demand management plan for non-residential projects over 100,000 square feet.

PRELIMINARY RECOMMENDATIONS RELATED TO CODE DIAGNOSIS ISSUES	
6	Allow sidewalk cafes in the OTC Zone and in the H Street Corridor Infill Area with appropriate standards to address access (including ADA), design, size, operations, necessary review, and other requirements.
7	Incorporate hillside development standards into the Code (see Section 17.3.04 in the attached draft table of contents).
8	Codify the recommendations included in the City's Housing Element, including inclusionary housing requirements (see Chapter 17.3.24 in the attached draft table of contents).
E: SIGN REGULATION ISSUES[5]	
1	Update sign regulations to reflect the *Reed v. Town of Gilbert* content-neutral standard (also see F.13).
2	Improve chapter organization and structure.
3	Add tables and graphics to improve user understanding.
4	Group procedures to provide consistency and clarity.
5	Revise standards so they do not unnecessarily regulate sign colors and trademarks.
6	Address historic signs (e.g., nonconforming historic signs, etc.).
7	Incorporate sign guidelines from the Old Town Specific Plan and Architectural Review Guidelines as appropriate.
F: NOT COMPLIANT WITH STATE & FEDERAL LAW	
1	Update the Code to allow residential care facilities that serve 6 or fewer people as a residential use consistent with State law.
2	Update the Code to reflect current State Density Bonus Law (e.g., percent of affordable units required to qualify for a density bonus, 55-year affordability term, etc.).
3	Increase maximum residential densities in the OTC and MU zones to 44 units per acre to encourage affordable housing as required by State law (also see D.5, above).
4	Modify nonconforming standards (17.116.020.D.4) to ensure compliance with State law requirements for the reconstruction or restoration of a multifamily dwelling that is involuntarily damaged or destroyed.
5	Revise the Code to allow the installation of manufactured homes on a foundation in single-family zones consistent with State law.
6	Update Elder Cottage Housing Opportunity (ECHO) standards to reflect State requirements for secondary units, which do not limit secondary units to occupants of a certain age (see Chapter 17.4.04 in the attached draft table of contents).
7	Add definitions for "supportive housing," "target population," and "transitional housing" that are consistent with State law.
8	Revise landscape standards (17.092.020.B) so that the Code does not effectively prohibit or significantly impede the installation of drought tolerant landscaping, synthetic grass, or artificial turf on residential property.

[5] These recommendations have been incorporated into the draft updated Sign Ordinance.

PRELIMINARY RECOMMENDATIONS RELATED TO CODE DIAGNOSIS ISSUES	
9	Clarify that solar energy systems shall be approved administratively through a nondiscretionary permit (e.g., building permit or similar) and that any requirements be limited to health and safety requirements consistent with applicable laws. This section should reference Chapter 15.74.
10	Update the Code to be consistent with the General Plan, as required by State law, including those items identified in Section D of this Table.
11	Revise permit review periods to comply with the Permit Streamlining Act (e.g., 30-day completeness review).
12	Update procedures for public hearings, variances, and zoning amendments to comply with State law (e.g., 10-day noticing requirement).
13	Update the Sign Code to comply with the *Reed v. Gilbert* content-neutral standard (also see E.1) and the Outdoor Advertising Act (i.e., standards for signs within 660 feet of State right-of-way).
14	Modify wireless communications facilities standards (17.164) to clarify that certain collocation facilities are not subject to a conditional use permit consistent with State law (see Chapter 17.4.04 in the attached draft table of contents).
15	Incorporate City Attorney's recommendations for wireless telecommunications facilities review to ensure consistency with State law (City Attorney's recommendations have not yet been provided to LWC).
16	Apply standards currently applicable to churches to all community assembly uses, and revise as necessary to ensure standards are not overly restrictive to the right to assemble and religious practice (e.g., 17.044.030).

Recommendations Related to other Key Community Issues

Table 2 summarizes key comments that provide community direction on specific parts of the Code from the stakeholder interviews and the October 27, 2015, joint City Council and Planning Commission workshop.

Table 2: Preliminary Recommendations Related to Other Key Community Issues

PRELIMINARY RECOMMENDATIONS RELATED TO OTHER KEY COMMUNITY ISSUES	
1	Streamline and clarify procedures, but continue to provide flexibility for Director and Commission interpretations where appropriate.
2	Expand the applicability of minor use permits as appropriate, which would reduce the number of conditional use permits processed.
3	Clarify code enforcement provisions (see Chapter 17.6.20 of the attached draft table of contents).
4	Strategically address parking needs and avoid negative impacts, such as parking spillover to neighboring properties. The City of San Luis Obispo parking ordinance was identified as a good example.
5	Include regulations to accommodate mixed-use development while being considerate of market conditions.
6	Retain the flexibility to allow office uses on the first floor of mixed-use buildings in the Old Town Specific Plan (OTSP) Area.
7	Update and streamline mobile vendor regulations where feasible, specifically related to location and length of time allowed, and including addressing inconsistencies throughout the Code and OTSP (e.g., Municipal Code Section 10.28.140 limits mobile vendors to 10 minutes per location while OTSP Section D.2.f(1) allows operation between 6 a.m. and 10 p.m.).
8	Update uses allowed at the airport consistent with the Lompoc Airport Master Plan[6].
9	Expand and enhance landscaping and screening standards.

[6] An update of the Airport Master Plan is not included in Zoning Code Update scope of work, but the Zoning Code Update will address allowable land uses surrounding the Airport.

TOPICS FOR COMMUNITY DISCUSSION

Certain Code issues require community discussion and input prior to the formulation of preliminary recommendations. These issues are described below:

Zoning District Regulations

- ***Wine Ghetto Food Service*** - Clarify food service and special event needs in the Wine Ghetto and determine most effective mechanism to allow (e.g., overlay zone) (see Wine Ghetto, below).
- ***Old Town Specific Plan*** – Discuss incorporation of the OTSP standards into the Code to reduce duplication, which could allow the OTSP to be eliminated (see Old Town discussion, below).
- ***H Street Corridor Infill Area & P-C-D Zone Relationship*** - Discuss the relationship of a new H Street Corridor Infill Area zone or overlay to the existing Planned Commercial Development (P-C-D) Zone. The new zone or overlay may apply in select areas, as appropriate, throughout the existing P-C-D-Zone[7]. Also consider the Planned Development (P-D) Zone in this discussion.
- ***Frontage and Public Realm[8] Standards*** - Discuss potential standards for frontages and the public realm, such as minimum building height, building design, pedestrian access, public open space, landscaping, and lighting[9].

Citywide Regulations

- ***Development Incentives*** - Discuss potential incentives to encourage infill and mixed use developments.
- ***View Protection*** - Discuss potential standards for view protection in the context of the following General Plan policies and measures:
    - Land Use Policy 5.4 – "Development proposals in the vicinity of natural objects that have unique aesthetic significance shall not be permitted to block, alter, or degrade existing visual quality without the provision of suitable visual enhancement. This may include open space, eucalyptus groves, or vegetation that serves as a view corridor or has important visual attributes. Development proposals shall be sited to ensure that these features are retained or replaced to the extent feasible, resulting in minimal view impairment."

[7] The P-C-D Zone is located along the northern half of H Street and portions of Ocean Avenue, Central Avenue, and Laurel Avenue.

[8] The public realm is the publicly owned area between private properties, such as right of way or open space.

[9] Some of these standards overlap into Citywide Regulations.

- Urban Design 1.2 – "The City shall seek to protect ridgelines and hillsides which lie in view corridors, including those ridgelines identified in Figure UD-2."
- Urban Design 1.3 – "The City shall seek to protect and enhance the views along the scenic roads noted on the Scenic Ridgelines and Roads Map."
- Urban Design Measure 18 – "The City shall condition approval of individual development proposals to assure that development shall preserve important view corridors, where feasible, by identifying and preserving the attributes of the view corridor that characterize its significance (e.g. framing elements and presence or absence of impinging details) as seen from roadways, pedestrian paths or other public vantage points to avoid view obstruction. Buildings shall be sited so as to minimize view obstruction from sensitive vantage points. This measure shall be accomplished through amendment of the zoning ordinance to include standards for view protection as indicated in this measure."

Administration and Procedures

- ***Conditional Use Permits*** - Clarify modifications from Code standards currently allowed with a conditional use permit (CUP) to determine potential improvements and appropriate revisions to CUP procedures.
- ***Temporary Use Permits*** – Discuss potential advantages of Special Events Permits or Administrative Permits in conjunction with, or in place of, Temporary Use Permits.

These issues, in addition to others, will be discussed at upcoming public workshops on the Code update, which will assist with the formulation of recommendations.

WINE GHETTO

The Wine Ghetto includes over 30 tasting rooms located within Lompoc's industrial-zoned area. Current industrial zoning allows for wine manufacturing and accessory tasting rooms, but prohibits uses such as food service and retail[10]. These wineries face competition from regional wine tasting destinations, some of which offer food options. Additional issues that have been raised by local wineries include expediting permits (e.g., temporary use permits) and parking for food service uses. The Zoning Code update can include standards to address these issues and help to refine the identity and character of the Wine Ghetto as distinct from other industrial and commercial areas in Lompoc.

[10] City staff has committed to allow temporary food service operations immediately through a Temporary Use Permit as an interim solution.

This section presents case studies of seven California communities that have addressed Zoning Code issues comparable to those facing Lompoc, and thus may be useful in developing recommendations related to the Wine Ghetto. The case studies describe how these communities have addressed wine tasting and food service, with a particularly focus on industrial areas. The section presents issues from five central California and two northern California cities:

- Buellton (Industrial Way)
- Paso Robles
- Petaluma
- Santa Barbara (Funk Zone)
- Santa Maria
- Sebastopol
- Solvang

Buellton (Industrial Way)

https://activerain-store.s3.amazonaws.com/image_store/uploads/agents/languageofluxury/files/industrial%20eats.jpg

The City of Buellton's Industrial Way serves as a strong comparable example to that of Lompoc's Wine Ghetto. While it has fewer open tasting rooms and wineries, its industrial character parallels the character of the Wine Ghetto. Within Buellton's Industrial/Manufacturing (M) Zone many uses are allowed, including: manufacturing and processing, restaurants and bars, temporary events, mixed-use dwellings, and offices (§19.02.210). Certified farmers' markets are allowed with a minor use permit. These uses demonstrate that the M Zone acts as a catchall for a diverse range of land uses. Though more stringent use regulations may be desirable in Lompoc, Buellton's M Zone development standards and uses are worth acknowledging.

Paso Robles

The City of El Paso de Robles allows wine tasting rooms and food sales (retail food stores) in the Industrial (M) District (§21.16.200); however, food service in the form of sit-down restaurants or walk-up vendors is not allowed unless located along Spring Street. This approach relies on street frontage to discern allowable uses, which could be an alternative to an overlay zone as long as the standards specific to the use do not differ between industrial zones and other zones. However, an overlay zone could also be utilized to supplement this approach.

Petaluma

The City of Petaluma maintains two industrial districts: Industrial (I) and Business Park (BP). Wine tasting rooms are allowed in both industrial districts if accessory to a wine production facility and subject to a minor conditional use permit (§8.035). Tasting rooms may only sell and serve beverages that are produced on-site and must be ancillary to the alcohol production facility[11]. Petaluma also allows neighborhood serving restaurants in the I and BP districts, but limits such restaurants to lunch service only. Neighborhood serving restaurants includes food consumption on- or off-premises; however, it explicitly prohibits mobile food vendors, and there is no restaurant size limit indicated. Operational standards may be an appropriate tool for Lompoc to ensure compatibility of food service uses in industrial zones.

Santa Barbara (Funk Zone)

Santa Barbara has a small neighborhood just off of State Street (the City's main downtown corridor) called the "Funk Zone". This area has historically been used for light industrial and commercial uses, but is now filled with the contemporary Santa Barbara sub-culture, including art galleries, restaurants, wine/beer tasting rooms, and shops. A handful of wine tasting rooms in the Funk Zone are included in the Urban Wine Trail, a collection of tasting rooms in and around downtown Santa Barbara.

Due to its popularity, parking has become an issue and point of conflict among Funk Zone business owners and between business owners and the City of Santa Barbara (e.g., valet parking blocking public on-street parking). Also, mobile vendor regulations have become a topic of fierce debate, including separation standards that may be difficult to comply with in the Funk Zone.

http://www.kcet.org/updaily/socal_focus/santa-barbara-funk-zone-photo-kodiak-greenwood-1.jpeg

The Funk Zone is located primarily within the Ocean-Oriented Commercial Zone under the Coastal Overlay (OC/S-D-3 Zone). While this differs from Lompoc's industrial nature, the Funk Zone's several blocks of tasting rooms serve as an added model for Lompoc and provide insight into the Wine Ghetto's potential evolution and future issues, such as parking and mobile food vendors.

Santa Maria

The City of Santa Maria has three separate industrial districts: Light Manufacturing (M-1), Commercial/Manufacturing (CM), and General Manufacturing (M-2). The M-1 District allows limited retail sales when the product sold is manufactured, fabricated, or assembled on site and

[11] Tasting room standards would apply to any alcohol production facility (e.g., wineries, breweries, distilleries, etc.).

when sales activity does not cater to the general public (§12-15.03(a)(11)). Moreover, none of these districts allow food service as is desired in the Lompoc Wine Ghetto.

Sebastopol

The City of Sebastopol has a relatable General Industrial (M) District, which allows typical industrial and manufacturing uses, but also allows food sales and service (not walk-up) by right. Furthermore, general and specialty retail, affordable housing, mixed-use developments, walk-up food sales and service, and wineries and brewing facilities are allowed with a conditional use permit (§17.72.030). While this still serves as a catchall zone in some regard, it offers more specifics about land use types that are relevant to Lompoc's Wine Ghetto.

http://thebarlow.net/wp-content/uploads/2013/08/Hotel.jpg

Within the M District, Sebastopol boasts an exciting example for what may serve as a model to which the Wine Ghetto can aspire. "The Barlow" was a once dilapidated apple cannery that has been converted into a thriving destination for artisan foods and wines. In total, the site is 12.5 acres with 18 buildings, restaurants, winery tasting rooms, brewpubs, a distillery, organic grocery, shops, galleries, etc. The project's cost was approximately $32 million and a 60-room hotel is anticipated[12]. While Lompoc does not have the same level of infrastructure as The Barlow, the success of this project demonstrates the demand and desire for a direct connection between producers and consumers, and how areas with a mix of uses, including industrial, can thrive. The diverse uses allowed in The Barlow maintains strong popularity, representing that a mixture of use types may be worth considering for Lompoc's Wine Ghetto if appropriate standards for design, parking, and landscaping are applied.

Solvang

The City of Solvang has a Light Industrial (M) District that allows varying land use types, including: typical industrial uses, retail, and hookah bars/lounges (§11-9-2). The allowed uses do not appear to directly complement each other, and although food service is not allowed in the M District, Solvang represents how different uses may be accommodated in a single industrial zone.

[12] Fish, Tim. *It Takes a Village.* The Wine Spectator (2015)

Table 3 summarizes key development standards from case studies that are most pertinent to Lompoc and compares them to Lompoc's industrial zones.

Table 3: Wine Ghetto Case Studies – Development Standards

WINE GHETTO CASE STUDIES – DEVELOPMENT STANDARDS							
City	**Zone**	**Non-Industrial Uses Allowed**	**Special Standards for Uses**	**Lot Area min.**	**Setbacks**	**Site Coverage max.**	**Height max.**
Buellton (Industrial Way)	Industrial/ Manufacturing	Restaurants, bars, mixed-use dwellings	None	None	Front: 20ft; Rear: 50ft	50%	45ft
Paso Robles	Industrial	Restaurants	Only allowed along Spring St.	5,000sf	None	-	50ft
Petaluma	Industrial	Restaurants	Neighborhood serving; lunch service only	20,000sf	Front: 0ft; Side/Rear: none, 20ft if adjacent to non-industrial	0.6 FAR	40ft
	Business Park					1.5 FAR	
Santa Barbara	Ocean-Oriented Commercial/ Coastal Overlay	N/A (commercial zone)	N/A	14,000sf	-	-	45ft
Santa Maria	Light Manufacturing	None	N/A	15,000sf	Front: 20ft; Side/Rear: none, 10ft if adjacent to residential zone	-	35ft
Sebastopol	General Industrial	Food service (not walk-up)	Walk-up food service, retail, housing, and mixed-use require a CUP	15,000sf	Front: 15ft; Side/Rear: none, 20ft if adjacent to residential	-	35ft
Solvang	Light Industrial	Hookah bars/lounges	Performance standards (e.g., odors, smoke)	None	Front: 20ft; Side/Rear: 10ft; Rear: 50ft if abutting residential	50%	35ft
Lompoc	Industrial	None	N/A	7,000sf	None; 10ft if adjacent to residential	-	35ft
	Business Park			2 acres	Front: 10ft; Side/Rear: 5ft	-	35ft (18ft by Airport)

OLD TOWN

This section provides a preliminary analysis of incorporating the Old Town Specific Plan (OTSP) into the Zoning Code, primarily the Old Town Commercial (OTC) District. Table 4 compares standards of the OTSP and the Zoning Code or Architectural Review Guidelines; there is substantial overlap with very few differences.

Table 4: Old Town Specific Plan and Zoning Code Comparison

OLD TOWN SPECIFIC PLAN AND ZONING CODE COMPARISON			
OTSP Standards	**Included in Zoning Code (or elsewhere)?**	**Differences?**	**Notes**
Permitted uses	Yes (17.52.030)	OTC District allows office uses on first floor; to be reevaluated by Planning Commission in 2017 (17.52.030.D.3)	
Conditionally permitted uses	Yes (17.052.040)	None	
Lot Area	Yes (17.052.060.A)	None	
Lot Width	Yes (17.052.060.A)	None	
Maximum building height	Yes (17.052.060.A)	None	
Minimum building height	Yes (17.052.060.A)	None	
Maximum FAR	Yes (17.052.060.A)	None	
Minimum setbacks	Yes (17.052.060.A)	None	
Maximum residential density	Yes (17.052.060.A)	None	
Parking requirements	Yes (17.052.060.A & J)	None	OTSP includes an incorrect reference in parking requirements.
Nonconforming standards	Yes (17.052.060.B)	None	Discuss application of citywide standards
Outdoor uses and displays	Yes (17.052.060.C)	None	Discuss application of citywide standards
Installation of public improvements	Yes (17.052.060.D)	None	Discuss application of citywide standards
Undergrounding of on-site utilities	Yes (17.052.060.E)	None	Discuss application of citywide standards
Protection of existing trees	Yes (17.052.060.F)	None	Discuss application of citywide standards
Business address required	Yes (17.052.060.G)	None	Discuss application of citywide standards
Roof-mounted equipment	Yes (17.052.060.H)	None	Discuss application of citywide standards
Trash enclosures	Yes (17.052.060.I)	None	Discuss application of citywide standards
Sidewalk cafes	Yes (17.052.070.A)	None	Discuss application of citywide standards

Sidewalk vendors	Yes (17.052.070.B)	None	Discuss application of citywide standards
Development incentives	Yes (17.52.080)	None	Discuss application of citywide standards
Design Guidelines	Architectural Review Guidelines (ARG)	OTSP: p. 4-25, xi: Preservation of existing signs are not addressed or identified in ARG. OTSP: p. 4-39, (14) "Plazas should provide at least one sitting place for each 100 sq. ft of plaza…" ARG: p.68 (n) "Plazas should provide at least one sitting place for each 200 sq. ft of plaza..."	Sign Code update addresses landmark signs. Generally, intro paragraphs are more thorough in OTSP. A-frame sign section has minor errors (i.e., "A" is missing from "A-frame" in various places).
Urban Design and Streetscape	Not included elsewhere	N/A	Discuss public realm standards and design guidelines. Discuss options to include in Design Guidelines and/or Zoning Code.

Many of the preliminary recommendations in Table 1, D: Ineffective Zoning to Achieve Vision, apply to Old Town and should be discussed to inform the development of updated standards.

CONCLUSION

This memorandum will inform the development of draft Zoning Code standards and the organization of the updated Zoning Code (see attached the draft Zoning Code table of contents and Zoning Code style guide). These preliminary recommendations will be discussed and refined through additional community engagement via public workshops, review sessions, and hearings.

Target milestones for the Code update are summarized below:

- District Regulations Workshop – August 24, 2016
- Sign Ordinance Hearings – October through December 2016
- Additional Workshops – Early 2017
- Zoning Code Public Review Draft – July 2017

Attachments:

- Draft Zoning Code Table of Contents
- Zoning Code Style Guide (updated June 14, 2016)

LOMPOC ZONING CODE UPDATE - DRAFT TABLE OF CONTENTS

This table of contents will be adjusted as appropriate during the drafting of the Code and per input during workshops, etc.
Existing Code sections are referenced in *italics.* Chapters or sections that are entirely new to the Code are identified as "NEW".

Title	17	Zoning
Division	**1**	**Zoning Code Purpose and Authority**
Chapter	**17.1.04**	**Title and Purpose *(17.004)***
		Adoption
		Intent and Purpose
		Short Title
	NEW	Applicability
Chapter	**17.1.08** NEW	**Authority and Administration**
		Authority of the Zoning Code
		Responsibility for Administration
		Rules of Interpretation *(17.144)*
		Severability
Division	**2**	**Zoning District Allowed Uses and Development Standards**
Chapter	**17.2.04**	**Establishment of Zones *(17.012)***
		Zones Established
		Zoning Map
		Interpretations of Zoning Map
		Amendments to Zoning Map
		Designation of District of Newly Annexed Territory
		Prezoning
Chapter	**17.2.08**	**Residential Zones *(17.016, 17.020, 17.024, 17.028, 17.060)***
		Purpose (overarching purpose of chapter)
		Residential Zones (RA, R-1, R-2, R-3, T)
		Allowed Land Use and Permit Requirements (table - "P", "MUP, "CUP"; cross-reference standards for specific uses; include parking rates (*17.112.020)* ?)
		Development Standards (table)
		Additional Standards and Requirements (include in Development Standards table as feasible; cross-reference in table at minimum)
		Setbacks in Certain R-1 and R-2 Districts *(17.088.050)*
		Entrance to Dwellings on Side Lot Line in R Zones *(17.088.080)*
Chapter	**17.2.12**	**Commercial Zones *(17.036, 17.040, 17.044, 17.048(?), 17.052)***
		Purpose (overarching purpose of chapter)
		Commercial Zones (CC, CO, C-2, OTC, H St/PCD - TBD as a Commercial Zone or Overlay)
		Allowed Land Use and Permit Requirements (table - "P", "MUP, "CUP"; cross-reference standards for specific uses; include parking rates (*17.112.020)* ?)
		Development Standards (table)
		Additional Standards and Requirements (include in Development Standards table as feasible; cross-reference in table at minimum)
		Special Development Standards and Regulations *(17.052.070)*
		Development Incentives *(17.052.080)*
Chapter	**17.2.16**	**Industrial Zones *(17.064)***
		Purpose (overarching purpose of chapter)
		Industrial Zones (I, BP)
		Allowed Land Use and Permit Requirements (table - "P", "MUP, "CUP"; cross-reference standards for specific uses; include parking rates (*17.112.020)* ?)
		Development Standards (table)
		Additional Standards and Requirements (include in Development Standards table as feasible; cross-reference in table at minimum)

Title	17	Zoning
Chapter	**17.2.20**	**Other Zones *(17.056, 17.068, 17.072, 17.080)***
		Purpose (overarching purpose of chapter)
		Other Zones (MU, PF, OS, SP)
		Allowed Land Use and Permit Requirements (table - "P", "MUP, "CUP"; cross-reference standards for specific uses; include parking rates (*17.112.020)* ?)
		Development Standards (table)
		Additional Standards and Requirements (include in Development Standards table as feasible; cross-reference in table at minimum)
Chapter	**17.2.24**	**Overlay Zones *(17.032, 17.048(?), 17.076, 17.084)***
		Purpose (overarching purpose of chapter)
		Overlay Zones (F/FC, CR, PD, SRO, H St/PCD - TBD as an Overlay or Commercial Zone, Wine Ghetto - TBD, historic - TBD)
		Allowed Land Use and Permit Requirements (table - "P", "MUP, "CUP"; cross-reference standards for specific uses; include parking rates (*17.112.020)* ?)
		Development Standards (table)
		Additional Standards and Requirements (include in Development Standards table as feasible; cross-reference in table at minimum)
Division	**3**	**General Property Development Standards for All Zones**
Chapter	**17.3.04**	**General Site Development Standards**
		Applicability *(17.088.010)*
		Accessory Buildings *(17.088.120)*
		Setbacks
		Setbacks for Specific Planned Streets *(17.088.040)*
		Side Yard Width on Substandard Parcels *(17.088.070)*
		Minimum Floor Area of Dwelling Unit *(17.088.130)*
		Lot Requirements
		Substandard Parcels *(17.088.060)*
		Passageways *(17.088.090)*
		Residential Lots *(17.088.170)*
	NEW	Location of dwelling/secondary dwelling
	NEW	Green building
		Hillside Development
		Slope Design Standards *(17.088.180)*
	NEW	Calculation of Slope
	NEW	Grading requirements
	NEW	Preservation of view
		Encroachments
		Porches, Outside Stairways, etc. *(17.088.100)*
		Architectural Features *(17.088.110)*
	NEW	Accessory structures below a certain size/height (<120sf that don't require a building permit exempt)
		Fences, Hedges, and Walls *(17.088.150)*
		Swimming Pools *(17.088.140)*
	NEW	Performance Standards
		Minimum Building Site Widths (Delete?) *(17.088.160)*

Title	17	Zoning
Chapter	**17.3.08**	**Parking Standards *(17.112)***
		Applicability *(17.112.010)*
		General Requirements
		General Provisions *(17.112.040)*
		Parking in Front Yard Setback Prohibited *(17.112.060)*
		Off Street Parking and Loading Requirements *(17.112.020* - or include parking rates in land use tables in each zone chapter?, *17.112.030*)
		Bicycle and Motorcycle Parking Requirements *(17.112.035)*
		Parking Design and Construction
		Parking and Loading Area Design/Construction *(17.112.050)*
		Parking Lot Design *(17.112.090)*
		Parking Reduction and Alternatives
		Mixed Occupancies and Shared Parking *(17.112.080)*
Chapter	**17.3.12**	**Landscape Standards *(17.092)***
		Applicability *(17.092.050)*
		General Requirements *(17.092.020)*
		Screening *(17.092.030)*
		Parking Area Landscaping *(17.092.040, 17.112.070)*
		Maintenance *(17.092.040)*
Chapter	**17.3.16**	**Sign Standards *(17.108 - see Public Review Draft Sign Ordinance)***
		Purpose
		Applicability
		Prohibited Signs and General Restrictions for All Signs
		General Requirements for All Signs
		Permanent Signs
		Temporary Signs
		Supplemental Sign Standards for the Old Town Commercial Zone
		Landmark Signs
		Nonconforming Signs
		Enforcement
Chapter	**17.3.20**	**Density Bonuses and Other Incentives for Affordable Housing *(17.156)***
	NEW	Purpose
		Implementation
		Development Standards
		Development Incentives
		Application Requirements
		Review and Approval
		Density Agreement
		Indemnity
Chapter	**17.3.24**	**Inclusionary Housing and In Lieu Fee *(17.168)***
	NEW	Purpose
	NEW	Applicability
	NEW	Inclusionary Requirements
	NEW	Determining Base Density
		Alternative Methods of Compliance *(17.168)*
	NEW	Development Incentives
	NEW	Development Standards
	NEW	Eligible Residents
	NEW	Compliance and Findings

Title	17	Zoning
Division	**4**	**Standards and Regulations for Specific Land Uses**
Chapter	**17.4.04**	**Specific to Use Standards**
	NEW	Purpose and Intent
		Adult Businesses *(17.137)*
		Antennas and Antenna Systems *(17.096)*
	NEW	Community Gardens
		Construction Storage/Supply Yards *(Material Storage Yards - 17.088.020)*
		Day Cares *(17.100)*
	NEW	Emergency Shelters
		Home Occupation *(17.136.040)*
		Medical or Convalescent Buildings and Facilities *(17.088.030)*
	NEW	Outdoor Dining
		Secondary Dwelling Units *(17.088.190)*
		Temporary Uses *(17.128.020)*
		Wireless Communication Facilities *(17.164)*
Division	**5**	**Land Use and Development Permit Procedures**
Chapter	**17.5.04**	**Application Processing Procedures *(17.104, 17.120, 17.124, 17.128, 17.138)***
		Purpose
		Authority for Land Use and Zoning Decisions *(17.122)*
		Application Preparation and Filing
		Application Fees
		Indemnification
		Environmental Review *(17.148)*
	NEW	Conditions of Approval (describes that conditions of approval may be imposed; does not identify actual conditions of approval)
Chapter	**17.5.08**	**Architectural Design and Site Development Review *(17.104)***
		Purpose
		Applicability
		Application Requirements
		Review Authority
		Review, Hearing, and Notice
		Findings and Decision
		Post Decision Procedures
Chapter	**17.5.12**	**Administrative Permit *(17.096 - Antenna Permit, 17.100 - Large Family Day Care Permit, 17.136 - Home Use Permits, etc.)***
		Purpose
		Applicability
		Application Requirements
		Review Authority
		Review, Hearing, and Notice
		Findings and Decision
		Post Decision Procedures

Title	17	Zoning
Chapter	**17.5.16** NEW	**Certificate of Appropriateness (to protect structures and objects of historical significance)** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures
Chapter	**17.5.20**	**Commercial Filming Permits *(17.138) - Or cover with "Temporary Use Permit"*** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Liability and Indemnification Road Closures Post Decision Procedures
Chapter	**17.5.24**	**Conditional and Minor Use Permits *(17.124)*** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures
Chapter	**17.5.28** NEW	**Condominium Conversion Permit (*16.36.050)*** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures
Chapter	**17.5.32** NEW	**Development Agreement** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures

Title	17	Zoning
Chapter	**17.5.36** NEW	**Minor Modification** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures
Chapter	**17.5.40** NEW	**Reasonable Accommodation (required for compliance with ADA and Fair Housing laws - allows modifications for persons with disabilities).** Purpose Applicability Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Rescission of Approval of Reasonable Accommodation Post Decision Procedures
Chapter	**17.5.44**	**Sign Permit and Sign Program *(17.108 - see Public Review Draft Sign Ordinance)*** Purpose Applicability Application Requirements Review Authority Findings and Decision Post Decision Procedures
Chapter	**17.5.48**	**Surface Mining and Reclamation Permit *(17.160)*** Purpose Applicability Application Requirements and Review Vested Rights Standards for Reclamation Findings and Decision Interim Management Plans Annual Reports Requirements Inspections Violations and Penalties Post Decision Procedures Mineral Resource Protection
Chapter	**17.5.52**	**Temporary Use Permit *(17.128)*** Purpose Applicability Exempt Temporary Uses Application Requirements Review Authority Review, Hearing, and Notice Findings and Decision Post Decision Procedures

Title	17	Zoning
Chapter	**17.5.56**	**Variance *(17.120)***
		Purpose
		Applicability
		Application Requirements
		Review Authority
		Review, Hearing, and Notice
		FIndings and Decision
		Post Decision Procedures
Chapter	**17.5.60**	**Permit Implementation, Time Limits, Extensions**
	NEW	Purpose
		Effective Date of Permits
	NEW	Applications Deemed Approved
		Expiration and Extensions *(17.104.100, 17.124.050.C, 17.128.030.C)*
	NEW	Changes to an Approved Permit
	NEW	Resubmittal
Chapter	**17.5.64**	**Permit Modification and Revocation *(17.120.070, 17.124.080, 17.138.090, 17.104.090, 17.104.100)***
		Purpose
		Modifications
		Revocations
		Hearing and Notice
		Required Findings
Division	**6**	**Administration**
Chapter	**17.6.04**	**Amendments to Title *(17.732)***
		Purpose
		Initiation of an Amendment
		Processing Procedure
		Report and Recommendation- Planning Commission
		Hearing and Decision- City Council
		Effective Date
Chapter	**17.6.08**	**Appeals *(17.006)***
		Purpose
		Appeals to Planning Commission
		Appeals to City Council
		Appeal Procedures
Chapter	**17.6.12**	**Nonconforming Uses, Structures, and Lots *(17.116)***
		Purpose
		Nonconforming Uses
		Nonconforming Structures
		Nonconforming Lots
		Nonconforming Public Utilities
		Basis for Determining Obsolescence
		Residential Buildings in Commercial Zones
Chapter	**17.6.16** NEW	**Public Hearings and Noticing**
		Noticing
		Procedures
		Decision
		Recommendation
		Effective Date

Title	17	Zoning
Chapter	**17.6.20**	**Enforcement**
		Purpose
	NEW	Permits and Approvals
	NEW	Responsibility
	NEW	Inspection
		Violation *(17.152)*
		Violation of Condition
		Violation a Nuisance
		Standing to Sue
	NEW	Remedy
	NEW	Recovery of Costs
Chapter	**17.6.24**	**Property Nuisances *(17.140)***
		Maintenance of Property
		Abatement by Repair, Rehabilitation, Demolition or Removal
		Notice of Hearing to Abate
		Hearing by City Council
		Required Abatement
		Abatement by City
		Summary of Abatement
		Assessment of Costs Against Property lien
		Alternates
Division	**7**	**Definitions**
Chapter	**17.7.04**	**Definitions *(17.008, 17.096.110, 17.100.020, 17.108.020, 17.124.020, 17.136.020, 17.137.020, 17.156.010, 17.160.020, 17.164.020, 17.168.020)***
		Purpose
		Definitions (for land uses and terms)

City of Lompoc
Zoning Code Update

Style Sheet

April 15, 2016
Revised June 14, 2016

Submitted by:

Lisa Wise Consulting, Inc.

LWC

Style and Format Principles

Terms and Phrases

To ensure consistency of terminology within the *Code*, the following are conventions to be used for certain common terms and phrases

"**Allow(ed)**," rather than "permit(ted)." Permit should only be used as a noun and never as a verb.

"**Applicant**," rather than "owner" or "property owner" or "developer."

"**City**," rather than "City of Lompoc" or "Lompoc" after City of Lompoc is first used in the *Code*.

"**Code,**" rather than "Zoning Code" or "Zoning Ordinance."

"**Council**," rather than "City Council of Lompoc" or "City Council," after City Council is first used in the Code.

"**Commission**," rather than "City of Lompoc Planning Commission" or "Planning Commission," after Planning Commission is first used in the Code.

"Conditional Use Permit," rather than "Use Permit".

"**Deny**," rather than "disapprove."

"**Department,**" rather than "Community Development Department," after Community Development Department is first used in the Code.

"**Director**," rather than "Planning Director," after Planning Director is first used in the Code. The definition of Director will include designees of the Director.

"**Element**," is one component of a finite number of requirements. Not to be confused with 'factor.' (e.g., the application package contains two elements)

"**Factor**," is one item of a list with an indefinite number of items. Not to be confused with 'element.' (e.g., the review authority shall base their review on compliance with minimum three of the following factors)

"**In compliance with** . . . ," rather than "pursuant to," "in accordance with," "under," "per", etc.

"Include, but are not limited to...," rather than "such as."

"Land Use," rather than "Land Use Designation," or "Land Use Category."

"Lot," when referring to a platted part of a subdivision.

"Mixed-use," rather than "Mixed use" or "mixed use."

"Multi-family," rather than "multifamily" or "multiple family."

"**Must**," used to impose a condition; not used to impose a duty. (e.g., the building must contain a pedestrian oriented entrance)

"**Parcel**," rather than "site" or "lot." A parcel is a legal piece of land that might have been split many years ago, but is not part of a subdivision.

"Project" rather than "Development." Development should be used as a verb, not a noun.

"**Review Authority**" when referring generally to the City Council, Planning Commission, City official, or other designee acting on a permit application.

"**Setback**," rather than "yard."

"**Shall**," used to impose a duty; not a condition. (e.g., the Director shall provide written notice of a decision)

"**Single-family**," rather than "single family", "single family dwelling", or "single family dwelling unit."

"**Standard(s)**," rather than "regulation(s)" or "requirement(s)."

"**Structure, structures**," rather than "buildings," or "buildings and structures."

"**Zone**," rather than "zoning district," or "zone district."

Numbers

Numbers will be expressed as words from one to nine, and in numeric form for 10 or more. The archaic ordinance convention of repeating numbers in both word and numeric form (i.e., "fifty (50)") will not be used. If you are listing a range of numbers, use the numeric form always.

Numbers will be written out when they start a sentence.

Number will be expressed as square feet, feet, or fractions of feet. For example, 1.5 feet instead of 18 inches or 1 foot 6 inches.

Percentages will be expressed using the % character.

Feet will be expressed as ' only in graphics. The abbreviation "ft." shall be used in tables. The word "feet" will be used in text.

Square feet will be expressed using "s.f." in tables and graphics. The words square feet will be used in text.

Lists

Lists shall use semicolons (;) between listed items and the first letter of each element in a list shall be capitalized (whether or not the list item has a title) as shown below:

1. Text text;
2. Text text; and (and/or) (or)
3. End of text.

When possible, lists shall not name the number of factors or elements of the list. Lists shall be left open for future updating/modification. For example:

Do this:

Fences must comply with the following standards:

Not this:

Fences must comply with the following three standards:

Capitalization

In addition to normal capitalization conventions (proper names, etc.), and any words capitalized under "Terms and Phrases" above, the following will be capitalized:

- Division, Chapter, Section, and Subsection, when citing specifics, except:
    - Do not capitalize section or subsection when directly following reference to the Lompoc Municipal Code, LMC, Code, or similar. For example:

      See Section 17.1.08.010.

      Or

      LMC section 17.1.08.010.
- Names of City bodies and officials with responsibilities under the Zoning Code (e.g., City Council, Planning Commission, Director, etc.).

- Permit types (e.g., Minor Use Permit, Variance, Building Permit, Certificate of Occupancy, Site Plan, etc.).
- Specific zones, land uses, etc. (e.g. High Density Residential; Neighborhood Commercial Zone; Mixed-Use Building Type, etc.), but not when referring to a general group (e.g., residential zones, commercial land uses, etc.).
- "City" when specifically referring to the City of Lompoc.

Style Types

Spacing

- Use one space between sentences.

Commas

- Use a serial comma style throughout the Code.

  Do this:

  The application shall contain element 1, element 2, and element 3.

  Not this:

  The application shall contain element 1, element 2 and element 3.

- In a serial list that has multiple units in each element of the list, or when the sentence contains commas, use a semicolon instead of a comma to clarify groupings.

  Do this:

  The Code contains use and permit requirements; building height, form, and density standards; and parking dimension, location, and placement standards.

  Not this:

  The Code contains use and permit requirements, building height, form, and density standards, and parking dimension, location, and placement standards.

- Use a comma following "i.e." or "e.g.".

  Do this:

  The standard is XXX (e.g., for a single family home…).

  Not this:

  The standard is xxx (e.g. for a single family home…).

Outline Format

The following outline illustrates the proposed organization of the Zoning Code.

The Zoning Code will follow the existing Code hierarchy, as follows:

- Title 17
- Division (#)
- Chapter (X)
- Section (x)

(The character in parentheses represents the level in the outline, below)

In order to easily incorporate amendments to the Zoning Code, chapters will be organized in increments of 4s and sections will be organized in increments of 10s.

Title 17: Zoning Code

Division 17.#: Division Title

Chapter 17.#.0X: Chapter Title

Section 17.#.0X. 0x0: Section Title

A. Subsection Title

1. Paragraph

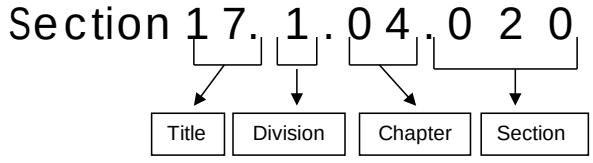
a. Subparagraph

(i) Subparagraph

(a) Subparagraph

Numbering and Format:
The Zoning Code will be located within Title 17 of the Lompoc Municipal Code. Numbering will indicate the location within the Title, Division, and Chapter. Chapter numbering will restart at number 4 within each new Division.

Title, Division, Chapter, and Section numbers and titles will be formatted in Title Caps and **bold** face text.



For example:

Title 17: Zoning Code

Division 17.1: Division Title

Chapter 17.1.04: Chapter Title

Section 17.1.04.010: Section Title

Section 17.1.04.020: Section Title

Chapter 17.1.08: Chapter Title

Section 17.1.08.010: Section Title

Section 17.1.08.020: Section Title

Division 17.2: Division Title

Chapter 17.2.04: Chapter Title

Section 17.2.04.010: Section Title

Section 17.2.04.020: Section Title

For Subsections, paragraphs, and subparagraphs, an A (or equivalent) will only be used if there is a B to follow. (There may be exceptions at lower levels of the outline, but not for starting the outline.)

When a Subsection has a title, the letter (if applicable) and title shall be **bold,** and each word shall be capitalized**.** If the paragraph has a title, the title and number shall also be **bold,** and the title shall use sentence caps (see Subsection A, below). If the subsection or paragraph does not have a title, there shall be no bold text (see Subsection B, below).

If paragraphs immediately follow a section, the title shall be followed by a full paragraph break (see Subsection A below). If section text immediately follows the title, even if paragraphs subsequently follow that text, the title shall be followed by a period and a letter space (see Subsections C and D below).

A. Subsection Title

1. Paragraph title. Applies when there are subsections immediately below the title.

2. Paragraph title. Second subsection, etc.

B. This Subsection has no title. This formatting shall be used when a list follows the Subsection text.

1. Paragraph.
2. Second paragraph, etc.

C. Subsection Title. This title formatting shall be used when text immediately follows the title.

D. Subsection Title. This title formatting shall be used when text and a list immediately follows the title.

1. Paragraph.
2. Second paragraph, etc.

Table and Figure Numbering:
Tables and figures will be numbered according to the Title, Division (#), Chapter (XX), and Section (xxx) within which they are located. Tables will be numbered with letters (e.g. Table 17.1.04.010.A), and Figures will be numbered with arabic numerals (e.g. Figure 17.1.04.010.1). Numbering will re-start at A or 1, for each new Section. (e.g., Figure 17.1.04.010.1, Figure 17.1.04.010.2, Figure 17.1.04.020.1)

Font
Font Style
Headings/Body Text- Open Sans
Endnotes/footnotes/citations- Open Sans
Tables- Calibri
(for when to use bold font, see above)

Font Size
Division/Chapter Headings- 16 pt
Division/Chapter TOC and Body Text- 10 pt
Tables- 10 pt
Endnotes/footnotes/citations- 9 pt

Font Color
Division/Chapter Headings- RGB- 46/116/181
Section Headings- RBG- 91/155/213
Division/Chapter TOC and Body Text- Black
Table Titles- Black
Table Headings- White
Table Subheading/Body Text- Black

Programs
Document Preparation
Word
(Submittals to be sent as Adobe PDF's also)

Page Numbering
Page numbers shall reset at the beginning of each Division. The format shall be as follows:

Title Cover Page and TOC
Page Number (Roman Numerals)
(i.e., For the cover page and TOC within Title 17, the page numbers shall start with "i")

Pages within a Division
Division Number-Page Number (Arabic Numerals)
(i.e. The page numbers within Division 17.2, Chapter 17.2.04, shall start with "2-")

Divisions and Chapters should always start on an odd numbered page (right hand side) and should end on an even numbered page (left hand side). If the text ends on an odd numbered page, insert a blank page to ensure that the next Division or Chapter starts on an odd-numbered page. Blank pages shall have the following text in italics centered horizontally and vertically on the page: "This page intentionally left blank".

Spacing and Indents:

Text shall be indented starting with the paragraph level.

Deleted: [Exact font size and font type to be determined.]

For example:

17.4.08: Parking Standards

17.4.08.010: Parking Alternatives

A. Land Uses. Required off street parking may be accommodated through the following:

1. In-lieu fee. Text...
2. Shared parking. Text...
3. .....

References and Citations

Outside of the same section.

When a cross-reference is to text outside of the same section where the reference is located, even if within the same Chapter or Division, (e.g. text in Section 010 referencing Section 020), the cross-reference starts with the Title number (17), then lists the Division number (e.g., 2) and continues to the appropriate level for the reference. For example, "See Subsection 17.2.04.010.A." refers to Subsection A. of Section 010, of Chapter 04, of Division 2 of Title 17.

When referencing an entire Chapter, Division, or Section, cross-references will include the applicable Chapter, Division, or Section number, followed by the

name of the Chapter, Division, or Section in parenthesis (e.g., See Chapter 17.2.08 (Commercial Zones)).

When referencing a Subsection, paragraph, or subparagraph, cross-references will be titled "Subsection" and include the applicable Subsection paragraph, or subparagraph number (e.g., See Subsection 17.2.08.010.C.1.a).

Deleted: only

Reference	Format
Division	Division 17.#(Division Title)
Chapter	Chapter 17.#.XX (Chapter Title)
Section	Section 17.#.XX.xxx (Section Title)
Subsection	Subsection 17.#XX.xxx.A [e.g., 17.3.12.010.A]
Paragraph	Subsection 17.#XX.xxx.A.1 [e.g., 17.3.12.010.A.1]
Subparagraph	Subsection 17.#XX.xxx.A.1.a [e.g., 17.3.12.010.A.1.a]
Table	Table 17.#.XX.xxx.** (Table Title)
Figure	Figure 17.#.XX.xxx.** (Figure Title)

Within the same section.

When a cross-reference is to text within the same section, the term "Subsection" is used, and the reference "number" starts with the appropriate subsection letter. For example, "See Subsection D.2" refers to paragraph 2., of subsection D., of the same Section.

External documents.

Provisions of State law that are cited in the Zoning Code will be referenced by the name of the applicable State Code and section number(s). The "§" symbol will be used instead of "Section". (e.g., "Government Code § 65091," "Subdivision Map Act § 66749," etc.)

City documents other than the General Plan that are not part of the Municipal Code (e.g., specific plans, etc.) will be referenced in the Zoning Code by showing the document title in italics.

CITY OF LOMPOC

Zoning Code Update

Administration and Procedures Workshop
March 29, 2017

AGENDA

1 Background
- Code Diagnosis
- Recommendations and Approach Memo

2 Discussion
- Conditional and Minor Use Permits
- Temporary Use Permits
- Nonconforming Regulations
- Certificate of Appropriateness
- Enforcement and Nuisances

3 Next Steps

LWC

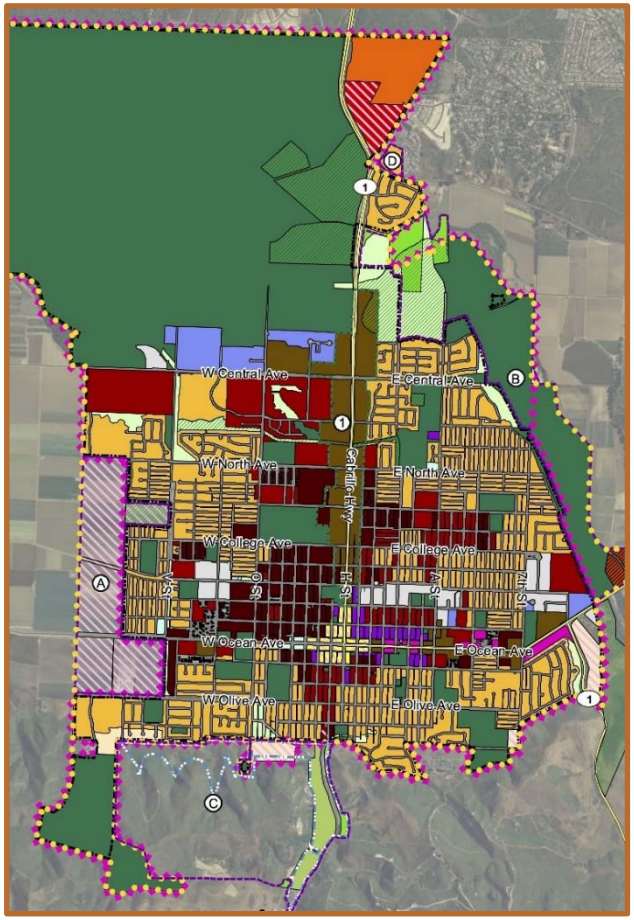
Background

2030 General Plan

- Overarching policy guidance
- Zoning Code implements the General Plan:
  - Expedite permit processing for H Street corridor
  - Review of aesthetic and historic significance
  - Landmark designation process

LWC

Zoning Code Update Objectives



- Implement General Plan
- Comply with legal requirements
- Clear and enforceable regulations
- User-friendly
- Address stakeholder input
- Prioritization of Sign Code

Complete!

Stakeholder Interviews

- Unclear permit requirements and process
- Unnecessary CUPs
- Burdensome requirements
- Streamline the process

Code Diagnosis Findings

Code Diagnosis Findings (Jan 2016)

- Disorganized and inconsistent structure
- Incomplete standards and inadequate cross-referencing
- Unclear permit requirements and procedures
- Not compliant with State and federal law
- Ineffective zoning to achieve vision

Code Diagnosis Findings Cont. (Jan 2016)

Unclear Permit Requirements and Procedures

- Incomplete Procedures
- Unclear Minor Use Permit Applicability and Purpose
- Inadequate Use Regulations Affect Permitting
- Overly Strict Time Periods

Code Update Recommendations and Approach

Recommendations and Approach (Aug 2016)

- Streamline and clarify procedures, but continue to provide flexibility
- Add omitted permits
- Update Temporary Use Permits
- Expand Minor Use Permits
- Include clear tables - when permits are required and the review authority

Current Permit Process

Current Planning Division Process

Receive application and determine level of review

Planning Commission Level

- Determine Environmental Review
- Circulate for Technical Staff Review (DRB)
- Coordinate COA and Prepare Staff Report
- Prepare Public Notices
- Planning Commission Review & Land Use Approval

Staff Level

- Determine Environmental Review
- Administrative Review of Compliance
- Issue Appropriate Permit

Current Building Division Process

*** Planning Division verifies compliance with conditions of approval**

Discussion

- Conditional and Minor Use Permits
- Temporary Use Permits
- Nonconforming Regulations
- Certificate of Appropriateness
- Enforcement/Nuisances

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Conditional and Minor Use Permits

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Conditional & Minor Use Permits

Use	Permit
Restaurant w/o alcohol sale	P
Restaurant w/alcohol sale	MUP
Restaurant w/drive through	CUP

- Minor Use Permits can be included in use tables
- Streamlines process and reduces number of CUPs
- Code deviations

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Conditional & Minor Use Permit Process

Temporary Use Permits

Temporary Use Permits

- TUPs will be more precise and clear with updated standards, definitions, as well as time limits

Examples:

- Entertainment assembly (circus, festival, car show)
  - Not to exceed 30 days
  - Not located within 200 feet of residential
- Others
  - Christmas tree sales
  - Construction offices
  - Temporary outdoor display

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Nonconforming Regulations

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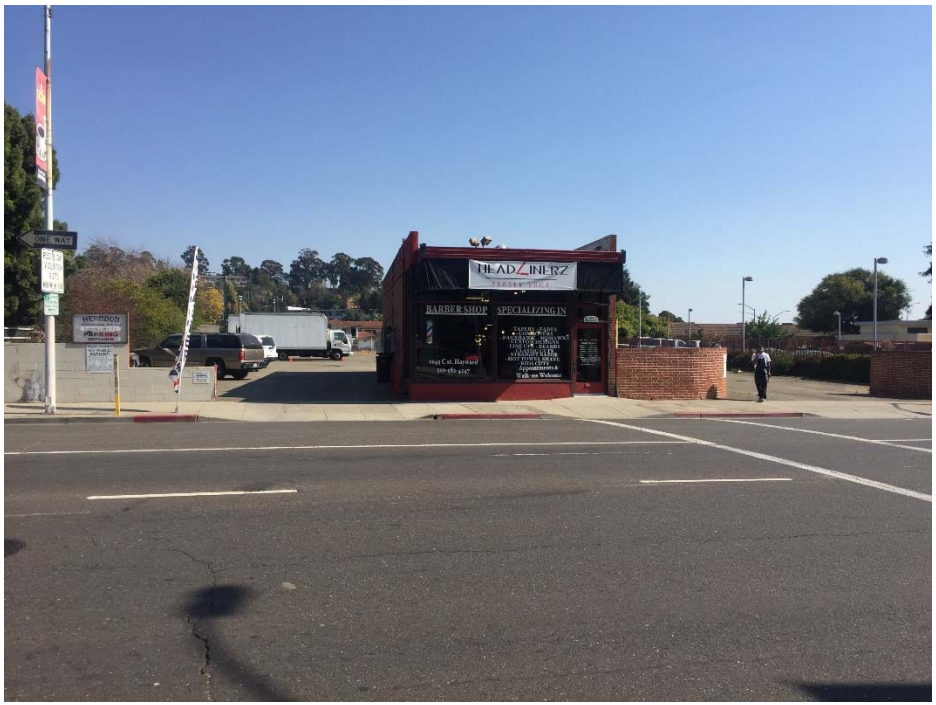
Nonconforming Lot or Parcel

- Nonconforming Lot or Parcel
  - A lot or parcel that was legally created before the adoption of the Zoning Code or amendment, but does not comply with the current access, area, width, depth, or other applicable standards of this Zoning Code.

Nonconforming Structure

- Nonconforming Structure
  - A structure that was legally constructed before the adoption or amendment of the Zoning Code, but does not comply with the current setback, height limit, building separation, and/or other applicable standards of this Zoning Code.



Nonconforming Use

- Nonconforming Use
  - A use of land and/or a use within a conforming or nonconforming structure that was legally established and maintained before the adoption or amendment of this Zoning Code, but does not conform to the current Zoning Code standards for allowable land uses within the applicable zone.

Nonconforming Regulations

Existing Code separates into two groups:

- **Group A: Nondetrimental.**
  - Structures only moved or enlarged if made to conform to current standards; Commission may allow exceptions with CUP and findings
  - Structures only modified if altered for a conforming use, a less intense nonconforming use, or brought into conformance
- **Group B: Detrimental.**
  - Use ceases for 6 months - deemed terminated
  - Structures only modified if altered for a conforming use, a less detrimental nonconforming use, or brought into conformance

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Nonconforming Regulations

- Existing Code:
  - Maintenance of nonconforming structures is allowed
  - Subjective
  - Unclear
  - Incomplete

Nonconforming Regulations

- New standards could include:
  - Expansion is allowed as long as the extent of the nonconformity is not increased
  - Repairs are allowed at the owner's discretion up to 50% of assessed value. Anything greater than 50% can be approved through a MUP/CUP with findings
  - Maintenance and health safety allowed (e.g., fire sprinklers)

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Nonconforming Regulations

Proposed reorganization

- Nonconforming Uses
- Nonconforming Structures
- Nonconforming Parcels
- Nonconforming Landscaping
- Nonconforming Public Utilities

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Certificate of Appropriateness

Certificate of Appropriateness

New Permit Type

- Purpose: "…is **intended to protect structures**, improvements, natural features, and objects of **historic significance** including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal."

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Certificate of Appropriateness

Two potential levels of review

- Admin Certificate of Appropriateness - **does not** have an adverse impact on the integrity of the historic resource
- Commission Certificate of Appropriateness – **may** have an adverse impact on the integrity of the historic resource

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Enforcement and Nuisances

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Enforcement

- Establishes provisions for enforcement of the Zoning Code and any conditions of planning permit approval.

Nuisances

- Any use of land or structure operated, maintained, or constructed contrary to the standards in the Zoning Code is in violation of the Code
- Infractions – fines
- Legal Remedies – injunction, abatement
- Cost recovery
- Additional permit fees

Next Steps

Next Steps

Dates	Event/Deliverable
May 2017	Workshop – Food Service in Industrial Zones
September 2017	Draft Zoning Code – Public review begins
October 2017	Workshop – Public Draft Zoning Code
November 2017	Study Session – Public Draft Zoning Code
November 2017	Draft Zoning Code – Public Review ends
December 2017 - January 2018	Planning Commission Public Hearings
January 2018 - March 2018	City Council Public Hearings

LWC

Questions & Comments

Lucille Breese, AICP
Planning Manager
City of Lompoc
Telephone: (805) 875-8273
E-mail: l_breese@ci.lompoc.ca.us