

Introduction Steve Bridge

- 35 + Year Resident
- Married 5 Children, 10 grandchildren, 4 Great Grandchildren
- Civil Engineering Degree a California State University
- Masters System Engineering Southern California University
- Licensed Professional Engineer State of California
- Own or Partner in 6 Businesses
 - 4 In Lompoc
 - 1 in Santa Maria
 - 1 in San Luis Obispo

Zoning Code Purposes

- The primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning also is used to prevent new development from interfering with existing uses and/or to preserve the "character" of a community.
 - Protect Property Value
 - Compatible Uses
 - Zoning Code is Not Building Code
 - While zoning and building codes are closely related, they both serve different functions. Zoning codes regulate how a given section of land can be used and what type of businesses can utilize the land and its structures; on the other hand, building codes regulate the details of the structures themselves.
- Remember the Word Building is a Verb not a Noun
The Synonym is Construction not Facility**

General Plan Excerpts

- Economic – 20 The City shall modernize the Zoning Ordinance to address any regulatory impediments to attracting target businesses, and to facilitate desired business expansions and reuse.
- Economic – 21 The City should encourage additional tourist attractions by capitalizing on local attractions.

General Plan Excerpts

- The City shall amend the Zoning Ordinance to **explicitly allow wine tasting rooms and winery-related facilities** in appropriate commercial and industrial districts. [Policy 3.8]
- Economic - 12 The City should collaborate with local organizations and agencies to **develop and implement** agricultural opportunities that enhance agricultural business and **tourism, such as wineries**, restaurants, dinner-theater, bed and breakfasts, appropriate destination developments, museums, lodging facilities, microbreweries and recreational activities. [Ongoing].



Significant Community Work

- **2015**
 - July
 - Consulting Contract awarded to Lisa Wise
 - September
 - Stakeholder interviews
- **2016**
 - August
 - Zoning District Workshop
 - Consulting Review
 - Draft Release
- **2017**
 - January
 - Planning Commission Workshop
 - March
 - Procedure Workshop
 - April
 - Planning Commission Workshop Office Zoning
- **2018**
 - May
 - Planning Commission workshop Commercial Zoning
 - March
 - Public Open House Draft Zoning Code Update
 - May
 - City Council and Planning Commission Draft Zoning Code Update
 - September
 - Planning Commission Meeting
 - Regular Planning Commission Meetings
- **2019**
 - November
 - Planning Commission Met and approved Zoning Code forwarded to City Council for approval
 - City Staff submitted unapproved / more restrictive zoning to Council
 - City Council sent back to Planning Commission to address community concerns
 - Today
 - PC and Community working to improve zoning code

There Are Two Major Issues Being Discussed Today

- What should be the allowable size of a tasting room
- Why a Special Overly
 - Reduce the number of TUPs for activities held in wineries
 - Challenges
 - What is Special
 - What Conditions Should be Established

Accessory Use is a Misnomer for Wine Tasting Rooms

- September 2016 PC Consensus 1st Hearing
- Wineries Were To Be Exempt

PC Consensus from 1st Hearing



Industrial Uses

- Increase space limit for accessory uses in industrial zones from 15% to 20% of gross floor area (wine tasting rooms exempt from size limit)



Wine Tasting Rooms

Planning Commission Sent Forward to Council for Approval

B. Industrial Zone. Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed 20% of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms that are part of or on the site of a winery use are not subject to the 20% size limitation.

This is What City Staff Presented

B. Industrial Zone , Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed **10%** of the gross floor area of the primary industrial use and shall comply with parking requirements in Chapter 17.3.08 (Parking Standards). Wine tasting rooms approved with a Conditional Use Permit are not subject to this limitation.

Quote to Previous Commissioner

The building department said that they were afraid that if the code was set at 20%, then everyone would be partying all the time and the capacity of the buildings would be exceeded.

Lets Put Wine Tasting Rooms in Perspective

- A Winery in Lompoc of 2500 Square Feet
 - 10% means a 250 square foot limit. This is ~ 16 Foot Square
 - The size of a bedroom
 - Imagine 50 people in this space
 - Larger Winery Example
 - 5000 Sq. Ft. Winery 10% Means 500 Sq. ft.
 - Small employees breakroom & Clean up area 100 Sq. Ft.
 - ADA Compliant Bathroom 60 Sq. Ft.
 - Small Office 100 Sq. Ft.
 - Small Conference Room 120 Sq. Ft.
 - Bar 40 Sq. Ft.
 - Total 420 Sq. Ft
 - Left 80 Sq. Ft. For Customers Less than 9 Foot Square

Definition of Winery

Winery means a type of bonded wine premises that is composed of an agricultural processing facility where the purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage that is ready for consumption.

A **winery includes** the following activities: crushing, fermenting, bottling, blending, and aging, shipping, receiving, **tasting room**, laboratory equipment, maintenance facilities, conference room space, sales and administrative offices.

Wineries have a current California Alcohol Beverage Control Winegrowers License and a bonded winery permit from the Bureau of Alcohol, Tobacco and Trade Bureau (TTB). Bonded wineries may include an on-site wine cellar.

- Saying a Tasting Room is accessory is like calling the following accessory
- Eating area in a Restaurant
 - Show room in a Jewelry Store
 - Eating Area in a Bakery
 - Concession Area in a Theater

**The Truth is 95% of Activity In a Winery is About Selling Wine
Tasting Rooms are Not Accessory**



Special Overlay

Aug 2016 Minutes

As discussed in past stakeholder meetings and workshops, there has been a need to **allow more flexibility in regulations** in areas of the City that have a base industrial zone (I Zone or BP Zone) but are **frequented by tourists and visitors for wine tasting and related activities.**

Therefore, the *Special Event Overlay* (SEO) Zone was created.

The SEO Zone is intended to **facilitate special events** in these areas while allowing **two events per tenant** in a calendar year quarter.

Lets Put Special Events in Perspective

- Lompoc Has a Need and Desire to Support Wineries
- Wineries Need Customers to Stay in Business
 - We are not on a freeway, we don't have a beach, we need events
- A TUP Costs \$400
 - The average winery operates on ~ a 10% Margin
 - Therefor you have to have sales of \$4000 to just pay TUP.
 - An average glass of wine at a winery is \$10. So you need to sell 400 glasses of wine.
 - The average person drinks 2 glasses
 - Therefor for every event you must have 200 people to just break even.

What Is the Issue

- Wineries Are Classified as Manufacturing F2
 - Why ? Because They
 - Receive and Process Grapes
 - Use Destemmers, Presses, Automatic Bottling Eqmt & Fork Lifts
 - What Actually Happens
 - 2 to 3 Weeks a Year Grapes are Received, and Processed
 - Remainder of the Year the Focus is Retail Sales

The Issue is What Should be the Allowable Activity and Occupancy Load

Many Communities (Paso, Buellton, Santa Barbara, SLO) have come to understand this and treat small scale wineries as retail

Quote from Recent Paso City Council Resolution

- WHEREAS, the City additionally often receives inquiries as to whether breweries, distilleries and wineries are permitted uses in the downtown area; and WHEREAS, because “breweries, distilleries and wineries” are defined as “manufacturing” land uses that typically require a large site and do not create much foot traffic, such uses were not considered to be compatible with other downtown uses;
- WHEREAS, new “micro” breweries, distilleries and **wineries** have developed and **have become popular in downtown districts since they often include tasting rooms** and/or taverns that generate pedestrian activity. They also tend to be compatible with surrounding restaurants and entertainment uses, and **add to a vibrant downtown atmosphere**; and
- WHEREAS, **these types of uses do not generally result in external impacts**, such as significant wastewater pre-treatment, truck traffic, or outdoor storage of materials as compared to larger scale production facilities; and
- WHEREAS, the **addition of small-scale breweries, distilleries and wineries** appear that they **would be compatible** with and support the intent of downtown area in the TC-1, TC-2 and the Riverside Corridor (RC) Zones; and

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
8. Wineries.	P	C	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	C
9. Wine-tasting Rooms.	P	C	C	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P

* CUP required for 10,000 sq. ft. or greater

This is the Existing Draft Code

E. Special Event Overlay Zone (SEO).

The Special Event Overlay (SEO) Zone applies to areas of the City that have a base industrial zone (I Zone or BP Zone) but are frequented by tourists and visitors for wine tasting and related activities. The SEO Zone is intended to facilitate special events in these areas.

D. Special Event Overlay Zone.

1. **Indoor Special Events.** A special event that is contained entirely within an existing enclosed building shall not require the issuance of a Temporary Use Permit if:
 - a. The event is a permitted use (i.e., a Conditional or Minor Use Permit is not required);
 - b. The event does not exceed 72 hours; and
 - c. There are no more than two events per tenant in a calendar quarter.
2. Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit); however, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).



This is Planning Commission's Recommendation to Improve it

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Planning Commission Discussion

The planning commission discussed only the items below and agreed to the following

1. Increase events allowed to 4 events per quarter
2. Place definition on what was special
3. Do not put in occupancy code wording, it is implied and a requirement already

This is What Staff Presented

This is all Accessory use words

D. Special Event Overlay Zone.

1. Standards for Special Events. Special events, such as a wedding, wine club pick up party, live music, art show, or similar event, located indoors or partially or entirely outdoors shall comply with the following:

- a. The event shall not exceed 72 hours;
- b. The event cannot exceed the approved occupant load; and
- c. There shall be no more than four events per building in a calendar quarter.

2. Indoor Special Events. A special event that is contained entirely within an existing enclosed building, does not exceed 749 square feet or 10% of the gross building floor area, and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.

3. Partially or Entirely Outside Special Events. Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit). However, the Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).

Now standard Winery Events are Special Events (Pick up Parties, Any Live Music, Even an Art Showing;

*** Also now per building not tenant***

Deleted: two

Deleted: tenant

Deleted: if:

Deleted: <#>The event is a permitted use (i.e., a Conditional or Minor Use Permit is not required);¶

Deleted: <#>, h

This means all activities must be in the tasting room or will require a temporary use permit. i.e. no barrel tasting no pick up parties, no events of any kind outside tasting room.

What the Building Code Actually Says

303.1.1 Small buildings and tenant spaces

A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B (Business) occupancy.

303.1.2 Small assembly spaces

The following rooms and spaces **shall not be classified as Assembly occupancies:**

- A room or space used for assembly purposes with an occupant load of less than 50 persons and **accessory to another occupancy** shall be classified as a Group B occupancy or as part of that occupancy.
- A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

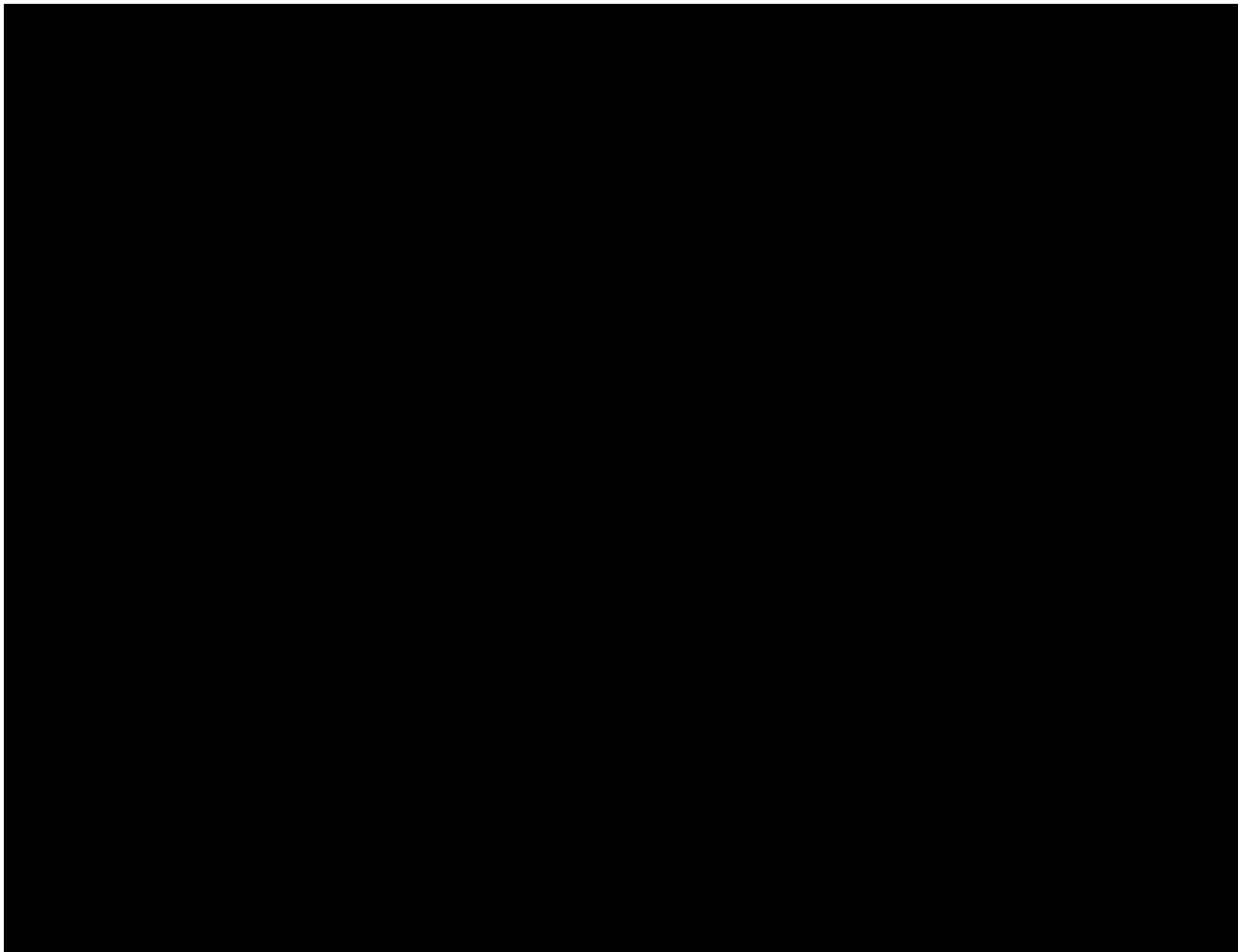
This means the limitations in staff recommendations are redundant and will result in every winery having to get a TUP for any event

Additional Thoughts on Staff Recommendation

- Special Definition is not Special to Wineries
 - Survey of 43 Wineries in Lompoc
 - Pick up parties 30%
 - Many said they did not cater to local, so Pick up parties not practical
 - Events in Barrel Storage Room 54%
 - Events like Parties, Festivals, Art, Music 56%
 - 1 said they would do weddings

Several Would Not Discuss Out of Fear that City will Focus on Them.

- Staff Recommended Size Restrictions
 - Defeats intent of special overlay because it is already approved activity, no overlay required
 - Eliminates Use of Barrel Storage Area



Recommendations

Accessory Use: Either eliminate entirely or use Planning Commission Recommendation as is with Wineries exempt

This is a term of use issue not a building issue

17.2.16.050: Additional Standards and Requirements ¶

B. Industrial Zone Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed ~~15%~~ 20% of the gross floor area of the primary industrial use. **Wineries and Wine Tasting rooms are exempt from this requirement.** ¶

¶

Recommendations

Special Overlay:

Add Word Winery to Description

Change Special Event Description to events that temporarily exceed normal occupancy in winery facility consistent with 17.4.04.190.

Add restriction that no manufacturing can be occurring during events

Manufacturing means Grape Processing, Destemmer, Grape Presses, Automatic Bottling or Fork Lift Use

Eliminate Restriction on number of events or at least 4 per quarter Per Tenant

Add a size Limitation of 200 attendees. (Sip Lompoc)

Classify occupancy as A2 during special events

Remove item D 2 (outside clause), or define outside to be outside the perimeter of the owner or leasee's control

Events with associated food trucks or if patrons elect to walk outside would put the winery in violation. (Example Sip Lompoc)

Recommendations

Recommended Code Changes to Zoning Code ¶

17.2.16.050: Additional Standards and Requirements ¶

B. Industrial Zone. Limited Accessory Uses. Accessory uses, such as office, showroom, retail, and similar uses, are only allowed as incidental and secondary to the primary use. Accessory uses shall not exceed ~~15%~~ 20% of the gross floor area of the primary industrial use. ~~Wineries and Wine Tasting rooms are exempt from this requirement.~~ ¶

17.2.24.040: Overlay Zones Development Standards ¶

D. Special ~~Winery~~ Event Overlay Zone. ¶

¶

1. ~~Indoor~~ Special Events. A special ~~winery~~ event shall not require the issuance of a Temporary Use Permit if ~~the following requirements are met:~~ ¶

~~a. The event is a permitted use (i.e., a Conditional or Minor Use Permit is not required);~~ ¶

~~17.2.24: Overlay Zones~~ ¶

~~City of Lompoc Zoning Code - Public Review Draft 17.2.24-11~~ ¶

a. → ~~b.~~ The event does not exceed 72 hours; and ¶

b. → ~~No manufacturing activities shall occur during events. Manufacturing means Grape Processing, Destemmer, Grape Presses, Automatic Bottling or Fork Lift Use~~ ¶

c. → There are no more than ~~two~~ four events per tenant in a calendar quarter ¶

d. → ~~The event shall meet all requirements of Assembly (A2) building code requirements.~~ ¶

e. → ~~The event shall not exceed an occupancy load of 200~~ ¶

f. → Any outside activities must be contained on property under the direct control of facility management ¶

¶

~~2. Consistent with Section 17.4.04.190 (Temporary Uses), a special event located partially or entirely outside shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit); however, The Director may authorize more flexible permit and review procedures to facilitate and encourage special events (e.g., an annual approval that allows special events to occur under certain criteria without the approval of Temporary Use Permit for each individual special event).~~ ¶

Additional Changes Requested

17.7.04.020: Terms

Accessory office and business area. A secondary office space that is attached or detached from a primary use, which provides space for executive, management, professional, or administrative services. **Wine Tasting rooms are not accessory activities to wineries.**

Additional Changes Requested

17.2.12.030: Allowed Land Use and Permit Requirements

- Add / Change clause to table 17.2.12.030 A: Commercial Zones Allowed Uses. (Required by General Plan)
 - Change “Micro- Alcohol Production” to “Micro-Alcohol Production / Wineries & Tasting Rooms”
 - Add a notation that CUPs only required for facilities over 10,000 sq. ft.

Table 17.2.12.030.A: Commercial Zones Allowed Uses

Use					Specific Use Regulations
Agricultural Uses and Animal Keeping Use Types					
Community Garden					17.4.04.060
Industrial, Manufacturing, Processing, and Wholesale					
Artisan Manufacturing	-	MUP	CUP	MUP	-
Cannabis Testing Laboratory	-	P	-	P	LMC 9.36
Manufacturing/Processing: Light/Medium	-	CUP	-	CUP	
Micro-Alcohol Production	-	CUP	CUP	CUP	*
Recreation, Education, and Assembly Use Types					
Business/Trade School	-	P	CUP	P	-
Civic/Government	-	P	P	P	-
Community Assembly, Neighborhood	-	P	CUP	P	-
Community Assembly, Regional	-	CUP	CUP	CUP	-
Entertainment, Indoor - Neighborhood	-	P	P	P	-
Entertainment, Indoor - Regional	-	P	P	CUP	-
Library/Museum	-	P	P	MUP	-
Recreation, Indoor	-	P	P	MUP	-
Recreation, Outdoor	P	MUP	MUP	P	-
Recreation, Passive	P	P	P	P	-
Schools, Public or Private	-	P	P	P	-
Studio, Instructional Services	P	P	p ¹	P	-

Change to Micro-Alcohol / Production & Wineries & Tasting Rooms

Add Notation CUP required for > 10,000 SF

Additional Changes Requested

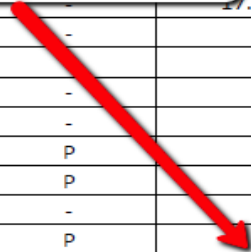
17.2.16.030: Allowed Land Use and Permit Requirements

- Add / Change clause to table 17.2.16.030 A: Industrial Zones Allowed Use
 - Wine Tasting Room as a Permitted Activity in both I and BP (Required by General Plan)
 - Add * Note Occupancy to be considered Business during periods of non manufacturing (Grape Processing, Destemming, Wine Pressing, Automatic Bottling and Forklift activities.)

Table 17.2.16.030.A: Industrial Zones Allowed Uses			
Use	Requirement by Zone		Specific Use Regulations
	I	BP	
Agricultural Uses and Animal Keeping Use Types			
Community Garden	P	P	17.4.04.060
Industrial, Manufacturing, Processing and Wholesaling Use Types			
Artisan Manufacturing			-
Cannabis Cultivation			MC 9.36
Cannabis Manufacturing			MC 9.36
Cannabis Testing Laboratory			MC 9.36
Construction Storage/Supply Yard			17.4.04.070
Equipment Rental Yard	MUP	-	-
Equipment Rental Yard, Heavy	P	-	-
Feed and Fuel Facility	P	-	-
Man	P	-	-
Man		P	-
Micro-Alcohol Production	P	P	-
Mini-Storage Warehousing or Facility	P	-	-
Research and Development	P	P	-
Warehousing, Storage, and Distribution	P	P	-
Winery	P	P	*
Recreation, Education, and Assembly Use Types			
Community Assembly, Neighborhood	CUP	MUP	-
Community Assembly, Regional	-	CUP	-
Recreation, Passive	P	P	-
Residential Use Types			
Emergency Shelters	CUP	CUP	17.4.04.080

Add Note: To be considered business type activities during non manufacturing periods

Winery / Wine Tasting Rooms



*

Additional Changes Requested

Chapter 17.7.08.20¶

B Industrial, Manufacturing, Processing, and Wholesale¶

Winery. A bonded establishment primarily used for the purpose of processing grapes or other fruit products, where processing includes, but is not limited to, crushing, fermenting, blending, aging, storing, bottling, and wholesale/retail sales. This definition includes wine tasting rooms and associated marketing activities to attract customers to visit locations. ~~which meet all applicable California Department of Alcoholic Beverage Control regulations are allowed as an accessory use.~~¶

Final Recommendation

- Planning Commission direct staff:
- Should staff wish to offer alternative to planning commission approved recommendation, that the alternative be prepared as a separate distinct document to allow City Council to clearly have understanding of Planning Commission recommendation and the ability to approve the code as Planning Commission recommended