

Lompoc City Council Agenda Item



City Council Meeting Date: April 9, 2013

TO: Laurel M. Barcelona, City Administrator

FROM: Lucille T. Breese, AICP, Planning Manager
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SUBJECT: The City Council will Consider Public Input, Discuss Options, and Provide Direction Regarding Amending the City of Lompoc Zoning Map to Achieve Consistency with the General Plan Land Use Element Map (Planning Division File No. ZC 10-01)

Recommendation:

Staff recommends Council consider the material presented in the January 29, 2013 staff report, hold a public hearing, and provide direction to staff.

Background/Discussion:

The January 29, 2013 staff report is located on the City website at <http://www1.cityoflompoc.com/councilagenda/2013/130129/130129n1.pdf>. The staff report includes the Planning Commission:

- Staff report of October 12, 2011, listing PC vote per individual map – pages 8 and 9 of Attachment No. 4 of binder;
- Resolution No. 704 (11), recommending approval of individual maps – pages 331 through 380 of Attachment No.4 of binder;
- Minutes of July 28, 2011 – pages 470 through 477 of Attachment No. 4 of binder; and
- Minutes of October 12, 2011 – binder Attachment No. 5.

Zoning consistency has been an issue of concern with the public since the General Plan Update process began in 2006. Staff was attempting to resolve the internal inconsistency between the Land Use Element Map and the Zoning Map that was adopted with the 1997 General Plan, as required by State Law.

In September and November of 2006, the Planning Commission held public hearings and recommended the Council adopt changes to the City Zoning Map to achieve consistency with the Land Use Element Map as Planning File No. ZC 06-05. The Council considered the recommendations in early 2007 and implemented the changes regarding the Commercial/Industrial and Mixed Use properties. The inconsistencies in the residential areas, generally in the southside, were to be resolved at a later date.

A workshop was held in March 2009, where members of the public met with staff to discuss parcel-specific land use designations. Staff will present parcel-specific information at the upcoming public hearings. The Planning Commission has made recommendations to the City Council for possible adoption. As background information for the request for Zoning Consistency, the Planning Commission staff report of July 28, 2011 is included as Attachment No. 1.

Previous City Council Action - October 28, 1997, the City Council adopted Resolution No. 4641(97), adopting a comprehensive General Plan acknowledging there would be an interim period following the adoption of the General Plan and prior to the adoption of the Zoning Ordinance and Zoning Map (Attachment No. 7 in January 29, 2013 Council binder). During the interim period, development was to occur in accordance with the adopted Land Use designations. That action by the Council superseded the Zoning Map and required all subsequent development to occur in conformance with the General Plan Land Use Element Map.

Spot Zoning - has been described as the arbitrary singling-out of a smaller area from a larger area for special zoning, for a use totally different from, and inconsistent with, the classification of surrounding land, and that is not in conformance with the general plan. Such zoning benefits only the individual, not the community. *Buckles v. King County, 191 F3d 1127 (9th Cir. 1999)*.

Optional Council Actions:

- 1) Accept the Planning Commission recommendations for the inconsistent parcels identified on the 22 maps attached to Planning Commission Resolution No. 704 (11); or
- 2) Direct staff to proceed with a *Southside Residential Overlay Zone* to allow the existing legal uses to remain without the legal non-conforming label, yet retain the existing residential character of the area; or
- 3) Direct staff to change the Land Use Element Map to be consistent with the current Zoning Map; or
- 4) Separate the Zoning Consistency request from the 2030 General Plan Update; or
- 5) Provide alternate direction.

Planning Documents:

A comprehensive long-term General Plan is required for each county and city in the state (*GC Section 65300*). The General Plan is the basic planning document for a community; all other planning documents must be consistent with the General Plan. General Plans are required to have seven mandatory elements, but may have additional

elements as considered necessary by the legislative body. Each element contains Goals for the individual element, Policies to support the stated Goals, and Implementation Measures to achieve the Policies.

The Zoning Ordinance contains the development standards whereby the Implementation Measures are delineated for development. The City of Lompoc has a well-defined land use pattern and is close to build out within the existing City limits. The 1997 General Plan Advisory Committee (GPAC) reviewed the City land use pattern and considered how land uses should fit together in the future if the current land use were to cease what would be the most appropriate use in the future.

Re-zonings are legislative acts and State law has specific noticing and hearing procedures, consisting of Planning Commission consideration of a request with a recommendation to the City Council for action. If the Council wants to modify a recommendation not previously considered by the Planning Commission, then it is required to refer the modifications back to the Planning Commission for a report and recommendation (*GC Section 65857*).

Uses legally established within any zoning district are permitted to continue in the same manner, even if the zoning is changed and the old use would not be permitted in the new zoning designation. This is considered a legal non-conforming situation and is detailed in Lompoc Municipal Code Chapter 17.116 Non-Conforming Uses Structures and Lots. It should be noted if a property was developed for a specific use and the property has been rezoned so the original use no longer would be permitted and was allowed to lapse, the property owner may approach the Planning Commission for consideration of a Conditional Use Permit (CUP). The Planning Commission could consider the appropriateness of the use on the surrounding properties and grant a CUP with appropriate conditions to protect the legally allowed uses.

The Council has several courses of action available to resolve the matter as outlined below:

Option 1 -- Accept the Planning Commission recommendation for the inconsistent parcels identified on the 22 maps attached to Planning Commission Resolution No. 704 (11).

This action has received the required review and recommendation by the Planning Commission and has been analyzed by the 2030 General Plan EIR, since it is based on the currently adopted Land Use Element (LUE) Map. The current LUE Map is the controlling document for land use in the community and development must occur in conformance with the current LUE Map, unless a request for a General Plan Amendment is processed as part of a development proposal. This is the land use pattern that was adopted in 1997 and which is in place today.

Notice has been provided to the individual property owners and the Planning Commission has twice recommended adoption of the proposed maps. No additional

analysis, hearings, and/or environmental work would be required if Option 1 is chosen. The Zoning Map would be updated to be consistent with the recommended General Plan LUE Map with minimal changes, such as the H Street Overlay and the Ocean Avenue Overlay as proposed.

Option 2 -- Direct staff to proceed with a *Southside Residential Overlay Zone* to allow the existing legal uses to remain without the legal non-conforming label, yet retain the existing residential character of the area.

Staff would be directed to return to the Planning Commission with a text amendment to develop language allowing existing legal uses to remain in the Southside without being deemed "legal non-conforming". The Planning Commission would hold hearings and return a recommendation to the City Council for an amendment to the Zoning Map, establishing a *Southside Residential Overlay Zone*.

This action would allow the Council to continue work on approval of the 2030 General Plan and could be accomplished by staff working with the Planning Commission. The City Zoning Map would retain the notation of Legal Non-Conforming until the Text Amendment was adopted. The 2030 General Plan LUE Map would be adopted as recommended. An Ordinance similar to that adopted in 1997 would be presented for consideration as an interim measure.

Option 3 -- Direct staff to change the Land Use Element Map to be consistent with the current Zoning Map.

This would require additional notice to the property owners who would have a change that has not been previously discussed. An analysis, by the EIR consultant, would be necessary to assure the densities do not impact the information in the Housing Element and any changes were adequately considered by the GP-EIR.

This action would require return of the GP LUE Map to the Planning Commission. Additional hearings would be required, as well as possibly additional environmental work.

If, following discussions at the Planning Commission, densities were changed that significantly affected the EIR analysis and the Housing Element information, then it is suggested those changes be processed with the update to the Housing Element required for approval by December 2014. The Housing Element update is included in the Planning budget as a program change and no General Fund funds are requested.

Option 4 -- Separate the Zoning Consistency request from the 2030 General Project.

This would retain the existing LUE map with the few changes recommended by the Planning Commission, specifically identified as General Plan Map Updates. That would include the H Street Corridor, Ocean Avenue Corridor, and correction of some site

identified as *Community Facility* on the GP Map. This option allows the Council to move on to the Land Use and Circulation Element policy issues.

Potential Councilmember Conflict of Interest:

Due to the location of the proposed zone changes and real property in which certain Councilmembers have a financial interest, following is a list of maps from which Councilmembers should recuse themselves from participating in or trying to influence the decision on the matter. Notwithstanding that, a Councilmember may provide input on the matter, as a member of the public, during the public comment period.

Mayor John Linn – Maps ZC9, ZC10, ZC16, ZC19, GP5, GP6, GP10
Dirk Starbuck – Maps ZC6, ZC19, GP10
Ashley Costa, Bob Lingl, Dwayne Holmdahl -- None

Conclusion:

Council is requested to review the material presented and provide direction to staff regarding the proposed Zoning Consistency proposal (ZC 10-01).

Lucille T. Breese, AICP, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Teresa Gallavan, Economic Development Director / Assistant City Administrator

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Laurel M. Barcelona, City Administrator

Attachment: [Planning Commission Staff Report dated July 28, 2011](#)