

## CITY OF LOMPOC PLANNING COMMISSION STAFF REPORT



**MEETING DATE:** JULY 28, 2011

**TO:** MEMBERS OF THE PLANNING COMMISSION

**FROM:** LUCILLE T. BREESE, AICP, PLANNING MANAGER

**RE:** GENERAL PLAN – COMPREHENSIVE UPDATE  
ENVIRONMENTAL IMPACT REPORT – EIR 09-01  
GENERAL PLAN AMENDMENT – GP 07-04  
ZONE CHANGE – ZC 10-01

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### **GP 07-04 – COMPREHENSIVE GENERAL PLAN UPDATE** **Continued from June 23, 2011 Planning Commission Meeting**

Planning Commission consideration of the following:

**EIR 09-01** – The Final Environmental Impact Report (FEIR), prepared by Rincon Consultants, Inc., for the City of Lompoc Comprehensive General Plan Update was circulated through the State Clearinghouse (SCH No. 2008081032) pursuant to the requirements of the California Environmental Quality Act (CEQA). The study area evaluated in the FEIR consists of areas within current City Limits and four (4) potential annexation areas;

**GP 07-04** – A General Plan Amendment to adopt the Phase 1 General Plan Elements (Land Use and Circulation) and to amend the City of Lompoc Land Use Element Map; and

**ZC 10-01** – A Zone Change to amend the City of Lompoc Zoning Map to achieve consistency with the Land Use Element Map. The proposed zone changes are necessary to achieve consistency with the proposed General Plan Land Use Element Map; however, the parcels for which the zoning is proposed to be changed are parcels where the current zoning is inconsistent with the existing General Plan Land Use Element Map. Copies of the maps showing specific parcels are available at City Hall at the Planning Division Counter, at the Main Library Reference Desk; or on the City of Lompoc website at:

<http://www1.cityoflompop.com/planningagenda/2010/100609/100609n3a3a.pdf>.

The Zone Change is a component of the General Plan Update.

The Planning Commission will formulate a recommendation to the City Council. Due to the amount of material to be considered and the complexity of the issues at hand the Planning Commission will continue the discussion to the regular meeting on August 10, 2011.

## **RECOMMENDED ACTION**

- 1) Consider the material presented in the staff report;
- 2) Hold the public hearing; and
- 3) Following discussion and deliberation, provide direction to staff on changes and/or additions to the maps to be returned for recommendation to the City Council at a later date.

## **BACKGROUND**

The focus of this meeting is the Zoning Consistency proposed in ZC 10-01.

October 28, 1997: The City Council adopted Ordinance No. 4641 (97) adopting a comprehensive General Plan acknowledging that 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. During the interim period, development was to occur in accordance with the adopted Land Use designations and the equivalent Zoning.

September 2006: The Planning Commission reviewed 606 parcels located throughout the City where there were inconsistencies between the General Plan Land Use Designation and the Zoning Map (ZC 06-05).

March 2007: The City Council divided the inconsistent parcels into two major areas of land use:

Group A – 531 parcels with Residential/Commercial designations – The Council adopted Ordinance No. 1542 (07) on March 20, 2006 changing the Zoning Map designation for 256 parcels

Group B -- 75 parcels with Industrial/Commercial designations – The Council adopted Ordinance No. 1541 (07) on March 20, 2006 changing the Zoning Map designation for the 75 parcels

March 2009: The City held a workshop to meet with owners of the remaining inconsistently zoned residential properties

August 11, 2010: The Planning Commission adopted Resolution 679 (10) recommending that the City Council accept the proposed maps (ZC 10-01) which would bring the Zoning Map into conformance with the General Plan Map.

Fall 2010: The City Council met to consider the Planning Commission recommendations regarding the General Plan Phase 1 Update, specifically on September 21, 2010 to consider the Zoning Consistency recommendations. Minutes of the meetings were provided in the July 13, 2011 Planning Commission staff report.

April 5, 2011: The City Council returned review of Phase 1, Land Use and Circulation Elements of the General Plan Update to the Planning Commission for further hearings and to prepare a recommendation.

## ANALYSIS

State law requires that the General Plan Land Use Element Map and the Zoning Map be consistent. On October 28, 1997 the City Council adopted Ordinance No. 4641 (97) adopting a comprehensive General Plan acknowledging that there would be an interim period following the adoption of the General Plan and prior to the adoption of the amended Zoning Ordinance and Zoning Map. Following the adoption of the 1997 General Plan there was a high level of development activity and the Zoning Map was not updated immediately. During the interim period, the City Council directed development was to occur in accordance with the adopted Land Use designations and the equivalent Zoning as identified in the draft City Council Ordinance (Attachment No. 1). From 2000 to 2010, the owners of nine (9) properties have been required to pay for a Zone Change to develop their property consistent with the General Plan Land Use designation.

In September and November of 2006 the Planning Commission held public hearings and recommended that the Council adopt changes to the City Zoning Map to achieve consistency with the Land Use Element Map. The Council considered the recommendations in early 2007 and implemented the changes regarding the Commercial/Industrial and Mixed Use properties. Significant progress has been made in resolving the inconsistencies resulting from the adoption of the 1997 General Plan, however, the inconsistencies in the residential areas, generally in the south side of the City, have yet to be resolved.

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 will make recommendations that will be presented to the City Council for possible adoption. The goal will be to bring the Zoning Map into consistency with the General Plan Land Use Element Map, as is required by State law.

### Proposed Map Changes

Attached to this staff report are 24 maps showing parcel specific areas where inconsistencies have been identified between the General Plan Land Use Element Map and the Zoning Ordinance Map (Attachment No. 2). There are tables for each map identifying the existing and proposed General Plan and Zoning Map designation. The corresponding designations are shown below:

<b>General Plan Land Use Designation</b>	<b>Zoning District</b>
Very Low Density Residential	R-A -- Residential Agricultural District
Low Density Residential	R-1 -- Single Family Residential District 10-R-1 -- 10,000 sq ft minimum lot size 7-R-1 -- 7,000 sq ft minimum lot size
Medium Density Residential	R-2 -- Medium Density Residential District
High Density Residential	R-3 -- High Density Residential District
Community Facility	P-F -- Public Facilities District
Mixed Use	MU -- Mixed Use District
General Commercial	PCD -- Planned Commercial Development
Open Space	OS -- Open Space

At the June 23, 2011 meeting, the Planning Commission requested that staff include information on how many units each parcel could support under each of the Zoning district designations.

That information has been added to the table. Additionally, if an individual property owner has requested a change in either the Land Use designation or the zoning this information is noted along with the staff recommendation.

When considering a recommendation to change designations, careful attention should be given to the surrounding land uses for specific sites. The intention of a General Plan Land Use Element is to indicate the manner in which a community is anticipated to develop over the 20 year life of the General Plan. "Spot Zoning", where a single parcel has a designation that is not compatible with the adjacent parcels, is not permitted by state law. The exception to this is the *Community Facility* designation where public services are located within established areas.

Changes recommended by the Commission will be forwarded to the Council for consideration so that when the General Plan Land Use Element Map is adopted, the Zoning Map will be amended at the same time. This will insure that the maps are consistent and meet requirements of state law.

### Summary of Map Tables

The tables accompanying the maps contain the following information:

Column 1 -- Map No.

Column 2 -- Lot Size in Square Feet

Column 3 -- Existing General Plan Land Use (GPLU) Designation / Existing Zoning

Column 4 -- Proposed General Plan Land Use Designation / Proposed Zoning

Column 5 -- Maximum Density for the Parcel, calculated at existing Zoning and proposed zoning

Column 6 -- Owner Request – indicates if the City has received a request from a property owner regarding the proposed change in zoning

Column 7 – Staff Recommendation – indicates if staff supports requested change

Notes -- explains how existing inconsistency would be resolved

Following is a table that summarizes the requests for each of the maps. Please note that there are some individual property owner requests for a change to the GPLU designation and/or Zoning where they are currently consistent. In these instances, staff has recommended against making a change.

Map No.	Description	Property owner comment	Recommendation
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Map No.	Description	Property owner comment	Recommendation
1	Consists of one (1) parcel with a GPLU designation of LDR / Zoning designation of R-A with an existing church use. Changing the Zoning to 7-R-1 would resolve the inconsistency and allow the church use to continue.	No objection has been received from the property owner	<u>General Plan</u> – retain LDR  <u>Zoning</u> -- change From R-A to 7-R-1
2	Consists of four (4) parcels with a GPLU Designation of High Density Residential / Zoning designation of R-2 – Medium Density Residential	Three (3) property owners have requested the GPLU designation be changed to MDR / no comment was received from the fourth owner	<u>General Plan</u> – change from HDR to MDR  <u>Zoning</u> – retain R-2
3	Consists of 29 parcels with a GPLU designation of LDR / Zoning of R-2 Medium Density Residential. A change to 7-R-1 Single Family Residential zoning would retain the single family residential character	Three (3) property owners have requested that the zoning be changed to 7-R-1.  One (1) of the property owners has requested that the GPLU designation be changed to MDR	<u>General Plan</u> – retain LDR  <u>Zoning</u> – change from R-2 to 7-R-1
4	Consists of 26 parcels with a GPLU designation of LDR / Zoning of R-2 Medium Density Residential. A change to 7-R-1 Single Family Residential zoning would retain the single family residential character	Three (3) property owners have requested that the GPLU designation be changed to MDR	<u>General Plan</u> – retain LDR  <u>Zoning</u> – change from R-2 to 7-R-1
5	Consists of 10 parcels with a GPLU designation of LDR / Zoning of Medium Density Residential. A change to 7-R-1 Single Family Residential zoning would retain the single family residential character	Two (2) property owners have requested that the GPLU designation be changed to MDR	<u>General Plan</u> – retain LDR  <u>Zoning</u> – change from R-2 to 7-R-1
6	Consists of one (1) parcel with a GPLU designation of MDR / Zoning of 7-R-1 Single Family Residential. There is currently a church on the site which will continue to operate	No request was received from the property owner	<u>General Plan</u> – change from MDR to LDR  <u>Zoning</u> – retain 7-R-1
7	Consists of twenty-three parcels with a GPLU designation of MDR	Two (2) property owners have requested that the	<u>General Plan</u> – retain MDR

Map No.	Description	Property owner comment	Recommendation
	/ Zoning of R-3 High Density Residential	GPLU designation be changed to HDR	<u>Zoning</u> – change from R-3 to R-2
8	<p>Consists of twenty-one parcels:</p> <ul style="list-style-type: none"> <li>• 17 with a GPLU designation of MDR / Zoning of R-3 High Density Residential; and</li> </ul> <p>-----</p> <ul style="list-style-type: none"> <li>• Four (4) with a GPLU designation of MU /Zoning of R-2 Medium Density Residential</li> </ul>	<p>Four (4) property owners have requested that the GPLU designation be changed to HDR</p> <p>One (1) property owner has requested that the GPLU designation of MDR be retained</p> <p>-----</p> <p>One property owner has requested the GPLU designation of MU be retained</p>	<p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from R-3 to R-2</p> <p>-----</p> <p><u>General Plan</u> – retain MU</p> <p><u>Zoning</u> – change from R-2 to MU</p>
9	Consists of twenty-nine parcels with a GPLU designation of MDR / Zoning of R-3 High Density Residential	Five (5) property owners have requested that the GPLU designation be changed to HDR	<p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from R-3 to R-2</p>
10	Consists of five (5) parcels with a GPLU designation of LDR / Zoning of R-2 Medium Density Residential	No requests have been received from the property owners	<p><u>General Plan</u> – retain LDR</p> <p><u>Zoning</u> – change from R-2 to 7-R-1</p>
11	Consists of twenty-seven parcels with a GPLU designation of MDR / Zoning of R-3, PD - High Density Residential, Planned Development	No comments have been received from the property owners	<p><u>General Plan</u> – change to HDR</p> <p><u>Zoning</u> – retain R-3 PD</p> <p>Existing condominium unit – map update</p>
12	Consists of twenty parcels with a GPLU designation of MDR / Zoning of R-3 - High Density Residential	No requests have been received from the property owners	<p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from R-3 to R-2</p>
13	<p>Consists of thirteen parcels:</p> <ul style="list-style-type: none"> <li>• Six (6) with a GPLU designation of LDR / Zoning of R-3 High Density Residential</li> </ul>	Three (3) of the owners with GPLU of LDR have requested a change to	<p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from</p>

Map No.	Description	Property owner comment	Recommendation
	<p>-----</p> <ul style="list-style-type: none"> <li>Seven (7) with a GPLU designation of MDR / Zoning of R-3 High Density Residential</li> </ul>	<p>HDR</p> <p>-----</p> <p>No requests have been received from the property owners</p>	<p>R-3 to R-2</p> <p>-----</p> <p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from R-3 to R-2</p>
14	<p>Consists of one (1) parcel with a GPLU designation of HDR / Zoning of R-2 Medium Density Residential</p>	<p>No request has been received from the property owner</p>	<p><u>General Plan</u> – retain HDR</p> <p><u>Zoning</u> – change from R-2 to R-3</p>
15	<p>Consists of nineteen parcels:</p> <ul style="list-style-type: none"> <li>Seventeen with a GPLU designation of MDR / Zoning of R-3 High Density Residential</li> </ul> <p>-----</p> <ul style="list-style-type: none"> <li>One (1) with a GPLU designation of LDR / Zoning of 7-R-1 Low Density Residential</li> </ul> <p>-----</p> <ul style="list-style-type: none"> <li>One (1) with a GPLU designation of MDR / Zoning of R-2 Medium Density Residential</li> </ul>	<p>Five (5) of the owners with GPLU of MDR have requested a change to HDR</p> <p>-----</p> <p>Property owner requested change</p> <p>-----</p> <p>Property owner requested change</p>	<p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – change from R-3 to R-2</p> <p>-----</p> <p><u>General Plan</u> – retain LDR</p> <p><u>Zoning</u> – retain 7-R-1</p> <p>GPLU &amp; Zoning are currently consistent</p> <p>-----</p> <p><u>General Plan</u> – retain MDR</p> <p><u>Zoning</u> – retain R-2</p> <p>GPLU &amp; Zoning are currently consistent, change would result in “spot zoning”</p>
16	<p>Eight (8) parcels with a GPLU designation of MDR / Zoning of 7-R-1 Single Family Residential</p>	<p>Two (2) property owners have requested that the Zoning be changed to R-2 – Medium Density</p> <p>-----</p> <p>One (1) property owner has requested that the GPLU be changed to LDR</p>	<p><u>General Plan</u> – change from MDR to LDR</p> <p><u>Zoning</u> – retain 7-R-1</p>

Map No.	Description	Property owner comment	Recommendation
17	Consists of four (4) parcels with a GPLU designation of MDR / Zoning of R-3 High Density Residential	No requests from property owner	<u>General Plan</u> – retain MDR  <u>Zoning</u> – change from R-3 to R-2
18	Consists of two (2) parcels with a GPLU designation of MDR / Zoning of 7-R-1 Low Density Residential	No requests from property owner	<u>General Plan</u> – retain MDR  <u>Zoning</u> – change from 7-R-1 to R-2
19	Consists of one (1) parcel with a GPLU designation of MDR / Zoning of 7-R-1	No request from property owner	<u>General Plan</u> – retain MDR  <u>Zoning</u> – change from 7-R-1 to R-2
20	Consists of two (2) parcels One with a GPLU designation of OS / Zoning of 7-R-1, PD  -----  One with a GPLU designation of OS / Zoning of OS	Request from property owner  -----  Request from property owner to change zoning to RA – Residential Agricultural	<u>General Plan</u> – change from OS to LDR  <u>Zoning</u> – retain R-1, PD  -----  <u>General Plan</u> – retain OS  <u>Zoning</u> – retain OS  GPLU & Zoning are currently consistent
21	Consists of one (1) parcel with a GPLU designation of OS / Zoning of 7-R-1	No request from property owner	<u>General Plan</u> – retain OS  <u>Zoning</u> – change from 7-R-1 to OS
22	Consists of one (1) parcel with a GPLU designation of OS / Zoning of 7-R-1	Property owner requests change in GPLU to LDR	<u>General Plan</u> – change OS to LDR  <u>Zoning</u> – retain 7-R-1
23	Consists of one (1) parcel with a GPLU designation of HDR / Zoning of R-3 High Density Residential	Property owner requests change to GPLU of Industrial / Zoning of Industrial	<u>General Plan</u> – retain HDR  <u>Zoning</u> – R-3  GPLU and Zoning are currently consistent

Map No.	Description	Property owner comment	Recommendation
			change would result in "spot zoning"
24	Consists of one (1) parcel with a GPLU designation of HDR / Zoning of R-3 High Density Residential	Property owner requests change to GPLU of MU / Zoning of MU	<u>General Plan</u> – retain HDR  <u>Zoning</u> – R-3  GPLU and Zoning are currently consistent change would result in "spot zoning"

Land Use Element Map: - Proposed Changes

Due to Land Use changes that have either occurred or are in the process of development, the following General Plan Land Use Designation changes are proposed, the proposed Zoning designation changes will be incorporated in the ZC 10-01 recommendation to the City Council:

Map No	Address	General Plan Designation		Zoning Designation		Notes
		Current	Proposed	current	proposed	
GP1	Richard L. DeWees Community Center West Ocean Ave	GC	CF	PCD	PF	New City facility
GP2	AHC – training facility 2 Hancock Way	CF with Park Overlay	CF	PF	PF	Remove park overlay
GP3	New DMV Building 209 West Pine Ave	GC	CF	PCD	PF	New State facility
GP4	Fire Dept building 112 & 118 So G Street	MU	CF	MU	PF	Extension of Fire Dept facilities
GP5	Old DMV Building 138 North B Street	CF	MU	PF	MU	Old State Facility
GP6	A 94.81 acre site located outside and to the south east of the City Limit, Urban Limit Line and Sphere of Influence.	OS w/ Park Overlay	None	n/a	n/a	Remove LU designation on property outside City jurisdiction.
GP7	H Street Overlay Area	GC	GC with H St Overlay	PCD	PCD with H St Overlay	Add Overlay
GP8	Ocean Avenue Corridor Overlay (east and west)	Varied	Varied with Ocean Ave Overlay	Varied	Varied with Ocean Ave Overlay	Add Overlay

Maps showing the proposed Land Use Element and Zoning map changes are included as Attachment No. 3. The changes include the proposed H Street Overlay and the Ocean Avenue Corridor Overlay (east and west) that are proposed in the Land Use Element.

### **Specific Discussion Issues:**

**Previous City Council Action** - October 28, 1997 the City Council adopted Ordinance No. 4641 (97) adopting a comprehensive General Plan acknowledging that 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. During the interim period, development was to occur in accordance with the adopted Land Use designations. This 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 (9<sup>th</sup> Cir. 1999).*

### **Legal Non-Conforming Parcels –**

The City of Lompoc Zoning Ordinance defines:

*Non-conforming use shall mean a use of a building or land which use was in existence on the effective date of these regulations and which does not conform to the uses permitted in the zone in which it is located*

The Zoning Ordinance allows a legal non-conforming use to continue indefinitely as long as the use does not cease for a period greater than six (6) months. A Conditional Use Permit (CUP) from the Planning Commission may be an option if a non-conforming use ceases for more than a six (6) month period. Individual properties would be analyzed to assure they were not incompatible with existing uses in the surrounding area.

One example is a legal non-conforming apartment house constructed to meet all of the regulations in place at the time of construction which is located in a *Single Family Residential (7-R-1)* zone. The 7-R-1 zone is generally populated with single family residential units. However, the legal non-conforming apartment house could remain as long as the property owner wished to continue that use.

If a legal non-conforming residential use is involuntarily destroyed, the structure may be rebuilt to the previous footprint. Concern has been identified that lenders will not consider a mortgage for a property that is legal non-conforming. Staff has conducted a survey of local banks and mortgage brokers and been advised that the legal non-conforming status of a property is one aspect in consideration for an appraisal of a property. The property owner can ask the City for a letter advising that the improvements on the property can be re-built to the existing footprint if an involuntary event destroys the improvements. The City will provide documentation to the lender and the process will continue. The letter is no guarantee that the mortgage will be approved nor does it have the effect of stopping the loan process, it is just one aspect of consideration that can be mitigated.

**ATTACHMENTS**

- 1) [City Council Ordinance No. 4641 \(97\)](#)
- 2) [Twenty-four proposed Zoning Maps](#)
- 3) [Eight \(8\) proposed General Plan Land Use Element Map Changes with Corresponding Zone Changes](#)