



City Council Agenda Item

City Council Meeting Date: October 21, 2025

TO: Dean Albro, City Manager

FROM: Greg S. Stones, Planning Manager
g_stones@ci.lompoc.ca.us

SUBJECT: Zoning Code Amendments for the Implementation of Housing Element Programs Associated with the 6th Cycle General Plan Housing Element Update (TA 2024-0003); Introduction of Ordinance Nos. 1731(25), and 1732(25)

Recommendation:

The Planning Commission recommends the City Council:

- 1) Receive and consider the Planning Commission and Staff recommendations (Attachment 1);
- 2) Hold a public hearing;
- 3) Introduce by first reading, with further reading waived, Ordinance Nos. 1731(25), and 1732(25), (Attachments 2 and 3):
 - a) Amending the Zoning Code text for the implementation of the Housing Element Programs associated with the 6th Cycle General Plan Housing Element Update; or
- 4) Provide other direction.

Background:

The City Council re-adopted the Housing Element Update (Update) at a public hearing held on November 19, 2024. On December 4, 2024, the Update was submitted to the California Department of Housing and Community Development (HCD) for certification. As part of the Update, the City committed to subsequently amend the Lompoc 2030 General Plan and Lompoc Municipal Code (LMC) (Title 17, Zoning) to implement several programs within the Update, which ensure housing projects are streamlined and processed according to the assumptions and analysis accepted by HCD. The amendments will be processed in several phases with the first phase (this item) focusing on key amendments related to updating land use designations/standards in the Land Use Element and Zoning Code amendments that provide incentives and eliminate constraints to achieving maximum densities to residential development. In addition, minor

amendments to the Zoning Code are also included that relate to streamlining family day care homes and repetitive requirements related to pedestrian paths in the H Street Overlay Zone. Additional LMC (Title 17) amendments and programs relating to Affordable Housing Incentives will be part of Phase 2 planned for the year 2025-2026.

This item was presented to the City Council at the February 4, 2025, meeting but was continued. The City Council directed staff to reach out to HCD to confirm whether adding additional sites to the City's RHNA inventory list in the Housing Element could allow for a reduction in HCD's required building height limits in the R-3¹, MU², and Old Town Commercial (OTC)³ zoning districts. In a letter from HCD dated May 21, 2025 (Attachment 4), HCD indicated that adding additional sites to the RHNA inventory list would not allow for reduction of the required height limits to be adopted in R-3, MU, and OTC. The purpose of the required new height limits is to remove an identified development constraint, and is not related to RHNA. As explained on pages 2-84 and 2-85 of the Update (Attachment 5), the City identified the existing height limits in R-3, MU, and OTC as a constraint on the ability of developers to achieve the maximum densities allowed in those zones. Therefore, the City committed to increasing height limits to eliminate that development constraint. The requirement to increase height limits is not related to the RHNA sites inventory and is required regardless of the number or capacity of identified RHNA sites.

However, HCD's letter does state that the City's proposal to keep the City's existing 45-foot height limit in MU and OTC, and the existing 35-foot height limit in R-3, satisfies the City's Housing Element requirements, as long as the City deletes the 3-story limit in MU and OTC. In other words, the City must allow 4 stories in MU and OTC, rather than the City's current height limit which is the lesser of 45 feet or 3 stories.

Discussion:

Amendments to Zoning Code

Amendments include increases in maximum lot coverage in the R-2⁴ zone (from 50% to 60%), R-3 zone (from 60% to 70%), and removal of floor number requirements in the OTC and MU zones are proposed. The Planning Commission originally approved the height increases in the R-3, MU, and OTC zones. Since then, per direction from the City Council and communication from HCD, staff has eliminated the proposed increase in height (by feet) in the R-3, MU, and OTC zones. That is reflected in the proposed zoning code changes (Exhibit A's of Attachments 2 and 3). In short, these changes are necessary as HCD identified the City's land use controls as a constraint to achieving maximum densities for the production of multi-family housing.

¹ High Density Residential.

² Mixed Use.

³ Old Town Commercial.

⁴ Medium Density Residential.

The changes to the Zoning Code are shown in each Exhibit A to the Ordinances in Attachments 2, and 3, with deletions shown as ~~strikeouts~~ and additions shown as **bold underlined** text.

If the City Council does not adopt the Ordinances by the end of 2025, the following are the consequences:

1. The City will need to report to HCD in the City's mandatory annual report that the City has not adopted the Ordinances by the 2025 deadline. (Gov. Code 65400(a)(2)(B).)

2. HCD shall review any action or failure to act by the City that it determines is inconsistent with the City's adopted housing element, including any failure to implement any program actions included in the housing element. HCD shall issue written findings to the City as to whether the action or failure to act substantially complies, and provide a reasonable time no longer than 30 days for the City to respond to the findings before taking any other enforcement action. (Gov. Code 65585(i)(1)(A).)

3. If HCD finds that the City's action or failure to act does not substantially comply, and 30 days have passed after those findings are issued, then HCD may de-certify the City's Housing Element until HCD determines that the City has come into compliance. (Gov. Code 65585(i)(1)(C).)

4. If the City's Housing Element is de-certified, then "Builder's Remedy" projects will be permitted by right in the City, if they file their development application during the period that the Housing Element is de-certified. In general and with certain limited exceptions, Builder's Remedy residential projects are permitted by right in any zone, even non-residential zones, and the City has little to no authority to require compliance with any local development standards if the local standards would preclude the developer from achieving the developer's proposed density. (Gov. Code 65589.5(f)(6) and (h)(11).)

5. In addition, if the City's Housing Element is de-certified, then the City is prohibited from disapproving or conditionally approving so as to make the project infeasible, certain affordable housing and emergency shelter housing development projects based on inconsistency with its zoning ordinance or general plan. (Gov. Code 65589.5(d).)

6. HCD may notify the California Attorney General that the City has not complied with its Housing Element. (Gov. Code 65585(j).) HCD must offer the City two office meetings to discuss the alleged violations before the Attorney General can sue. (Gov. Code 65585(k).) If not resolved in those two meetings, then the Attorney General may bring a court action against the City to force the City to adopt the Ordinances. (Gov. Code 65585(l).) In that lawsuit, there will be a rebuttable presumption that the City's actions are invalid. (Gov. Code 65585(i)(1)(B).) If the City fails to comply with the court's order within twelve months, the court may impose escalating fines ranging from \$10,000 to \$100,000 per month, or even higher. (Gov. Code 65585(l)(1); 65585(l)(3)(A).)

7. Additionally, any person may file a court action to force the City to adopt the Ordinances, after the 2025 deadline has passed. (Gov. Code 65587(d)(2).) In that lawsuit, there will be a rebuttable presumption that the City's actions are invalid. (Gov. Code 65585(i)(1)(B).) The City may be ordered to pay the plaintiff's attorneys fees if the plaintiff prevails in any such action. (Code of Civ. Proc. 1021.5.)

To avoid these consequences, the City Council may decide to adopt the Ordinances by the 2025 deadline, and then seek a Housing Element amendment as soon as possible to change the building height requirements in the Housing Element. Any Housing Element amendment must be approved by HCD, or HCD may take the enforcement actions listed above. (Gov. Code 65585(b)-(h).)

General Plan/Zoning Consistency

California Government Code Section 65300.5 requires that a general plan be internally consistent, meaning that no conflicts exist among the elements of the plan. Government Code section 65583(c) requires that a housing element describe how consistency has been achieved among the general plan elements. The most important aspect of consistency among general plan elements is that policies and programs do not conflict, but support one another to achieve the overall goals and vision of the Lompoc 2030 General Plan. The proposed amendments to the Zoning Code provide consistency among the elements and implement the adopted Housing Element and recent changes to the Land Use Element.

Environmental Review

The City Council certified the Final Environmental Impact Report (FEIR) during the adoption of the 2030 General Plan on October 19, 2010. For the proposed Zoning Code Amendments, an Addendum to the FEIR has been prepared pursuant to the requirements of California Environmental Quality Act (CEQA). The Addendum is the 7th Addendum to the 2030 General Plan FEIR. As a reminder, an Addendum to an Environmental Impact Report (EIR) is appropriate when only minor technical changes or additions are necessary, and no substantial changes are proposed or new information available that would require major revisions to the EIR. The completed EIR Addendum analysis determined no new or more severe environmental impacts beyond those disclosed in the FEIR would occur as a result of the proposed amendments.

Fiscal Impact:

This item was City initiated and processed utilizing existing budgeted Planning Division staff. No additional fiscal impacts occurred from the processing of the amendments.

Conclusion:

Approving the amendments are necessary to comply with and implement the recently adopted General Plan Housing Element and State law.

Respectfully submitted,

Greg S. Stones, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Mario Guerrero Jr., Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

- Attachments:
- 1) Planning Commission Resolution No. 1015(24)
 - 2) Ordinance No. 1731(25)
 - 3) Ordinance No. 1732(25)
 - 4) Letter from HCD
 - 5) Pages 2-84 and 2-85 from Housing Element Update