

Lompoc City Council Agenda Item

CITY COUNCIL MEETING DATE: November 18, 2008

TO: Gary P. Keefe, City Administrator

FROM: Keith C. Neubert, Principal Planner
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SUBJECT: An appeal, submitted by Michael Letzt of BJ Gunner Investments, LLC, the applicant, of the Planning Commission determination of August 13, 2008. The Planning Commission recommended City Council denial of the General Plan Amendment – GP 08-02, Zone Change – ZC 08-04, and Density Bonus and denied a Conditional Use Permit – CUP 08-05 and Vesting Tentative Parcel Map – LOM 586-P. The request was for construction of the Ocean Plaza Development at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17, 18).

RECOMMENDATION:

1. Open public hearing; receive input from the project representative; take public comments; close public hearing; and
2. After deliberation and decision, direct staff to prepare a resolution and/or ordinance reflecting the City Council's determination. Potential options for Council action are as follows:

OPTION 1: Direct staff to prepare the following City Council Resolutions and Ordinance in order to approve the entire project:

- A City Council Resolution upholding the appeal;
- A City Council Resolution to approve the proposed General Plan Amendment (GP 08-02);
- A City Council Ordinance to introduce and approve the proposed Zone Change (ZC 08-04);
- A City Council Resolution to approve the proposed Conditional Use Permit (CUP 08-05);
- A City Council Resolution to approve the proposed Vesting Tentative Parcel Map (LOM 586-P); and
- A City Council Resolution to approve the proposed Density Bonus.

Option 2: Direct staff to prepare the following City Council Resolutions and Ordinance, partially upholding the appeal and returning the Conditional Use Permit (CUP 08-05), Vesting Tentative Parcel Map (LOM 586-P), and the proposed Density Bonus to the Planning Commission for review:

- A City Council Resolution partially upholding the appeal;
- A City Council Resolution to approve the proposed General Plan Amendment (GP 08-02);
- A City Council Ordinance to introduce and approve the proposed Zone Change (ZC 08-04);
- Direct staff to return the Conditional Use Permit (CUP 08-05), Vesting Tentative Parcel Map (LOM 586-P), and proposed Density Bonus to the Planning Commission to review the project and apply conditions of approval.

Option 3: Direct staff to prepare a City Council Resolution denying the appeal and upholding the Planning Commission determination of August 13, 2008.

Option 4: Provide alternate direction to staff.

BACKGROUND:

On August 13, 2008, the Planning Commission held a public hearing to review a request from Michael Letzt of BJ Gunner Investments, LLC, project applicant, to:

- **Certify the Mitigated Negative Declaration** – A Mitigated Negative Declaration (MND) was prepared for the project pursuant to the requirements of the California Environmental Quality Act (CEQA);
- **Recommend City Council approval of GP 08-02** – A General Plan Amendment to change the existing land use designation for the site from *General Commercial* to *Office Commercial*;
- **Recommend City Council approval of ZC 08-04** – A Zone Change proposal to amend the City's Zoning Map designation for the site from *Planned Commercial Development (PCD)* to *Commercial Office (CO)*;
- **Approve CUP 08-05** – A Conditional Use Permit (CUP) for eighty (80) senior apartment units, 13,079 square feet of commercial office space, and 4,251 square feet of commercial retail, and/or restaurant space;

- **Approve LOM 586-P** – A Vesting Tentative Parcel Map requesting subdivision of an approximately 2.69 acre site to create six (6) commercial condominiums and one (1) residential condominium; and
- **Recommend City Council approval of a Density Bonus** – A density bonus on the site to allow the number of senior housing residential units at 37% greater than the standard density allowed in a High Density Residential District.

After reviewing the staff report, taking public testimony, and discussing the project with the applicant, the Commission took the following actions:

- 1) Certified the Mitigated Negative Declaration (MND) and recommended that the City Council take the same action, on a 5-0 vote;
- 2) Adopted Resolution No. 614 (08) recommending that the Council deny GP 08-02, the proposed General Plan Amendment, on a 5-0 vote;
- 3) Adopted Resolution No. 615 (08) recommending that the Council deny ZC 08-04 the proposed Zone Change, on a 5-0 vote;
- 4) Adopted Resolution No. 616 (08) denying CUP 08-05, the proposed Conditional Use Permit, on a 5-0 vote;
- 5) Adopted Resolution No. 618 (08) denying LOM 586-P, the proposed Tentative Parcel Map, on a 5-0 vote; and
- 6) Adopted Resolution No. 617 (08) recommending that the City Council deny the Density Bonus, on a 5-0 vote.

The Planning Commission found that the existing *General Commercial* land use designation is the most appropriate for the site due to its location and should be retained. Due to this determination, subsequent actions for denial were based on inconsistencies with the City's General Plan and Zoning Ordinance. The Planning Commission staff report, adopted Resolutions, and minute excerpts for the August 13, 2008 meeting are attached for Council review.

APPEAL:

Mr. Michael Letzt of BJ Gunner Investments, LLC, the applicant, has filed a timely appeal requesting that the Council review the Planning Commission action of August 13, 2008.

Mr. Letzt is requesting that the Council:

“Disagree with the recommendations of the Planning Commission and approve the General Plan Amendment, the Zone Change, the Conditional Use Permit, the Vesting Tentative Subdivision Map, the Bonus Density, and approve the Ocean Plaza project.”

Mr. Letzt requested that the City Council hearing date be set for November 18, 2008. A copy of the appeal is included as Attachment No. 1.

DISCUSSION:

The proposed project and conformance with the Zoning Ordinance development standards has been analyzed in the Planning Commission staff report of August 13, 2008. The proposed project includes construction of affordable senior residential units, commercial office space, and commercial retail and/or restaurant space. Two buildings are proposed onsite to be utilized as follows:

- A single-story commercial building including commercial retail and/or restaurant space, approximately 4,251 square feet in area, fronting on Ocean Avenue and Seventh Street.
- A three-story building, approximately 83,000 square feet in area, fronting on Cypress Avenue and Seventh Street. This building includes eighty (80) affordable senior residential units (70,289 square feet), commercial office space (13,079 square feet), and an on-grade parking garage (32,600 square feet) to provide parking for the residents, their guests, and a portion of the commercial office staff. Additionally, outdoor recreational areas for the seniors will be provided on the ground floor and second floor podium of this building.

The Planning Commission has recommended City Council denial of the proposed General Plan Amendment, Zone Change, and Density Bonus. They have denied the Conditional Use Permit and Vesting Tentative Parcel Map. Section 8922.2 of the Zoning Ordinance provides that Council may affirm, deny, or modify the decision of the Planning Commission.

The first question for Council consideration is the request for a General Plan Amendment. The General Plan may be amended four times a year, but there is no requirement to amend the General Plan. The Planning Commission has recommended that the existing designation of General Commercial be retained since it is the most appropriate for the site. If the Council agrees that the site should retain the General Commercial land use designation, then the Council should direct staff to follow the steps outlined in Option 3.

If the Council would consider changing the General Plan and Zoning for the site to Office Commercial, there are two (2) options to be considered:

Option 1 would uphold the appeal and approve the General Plan Amendment, Zone Change, Conditional Use Permit, Vesting Tentative Parcel Map, and Density Bonus requested by the applicant.

Option 2 would partially uphold the appeal by approving the General Plan Amendment and Zone Change but return the Conditional Use Permit, Vesting Tentative Parcel Map, and Density Bonus to the Planning Commission for consideration of the Conditional Use Permit and Conditions of Approval. The Planning Commission would discuss the Density Bonus, but final approval rests with the City Council.

The staff will prepare the necessary Resolution and/or Ordinance to delineate the Council determination.

Keith C. Neubert, Principal Planner

Attachments:

1. [Notice of Appeal](#)
2. [Planning Commission Staff Report dated August 13, 2008](#)
3. [Minutes of the August 13, 2008 Planning Commission Meeting](#)
4. [Planning Commission Resolution No. 614 \(08\) – GP 08-02](#)
5. [Planning Commission Resolution No. 615 \(08\) – ZC 08-04](#)
6. [Planning Commission Resolution No. 616 \(08\) – CUP 08-05](#)
7. [Planning Commission Resolution No. 618 \(08\) – LOM 586-P](#)
8. [Planning Commission Resolution No. 617 \(08\) – Density Bonus](#)
9. Site Plan, Elevations, and Map
(City Council only, available in Planning Division for review)

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Lucille T. Breese, AICP, Planning Manager

Arleen T. Pelster, AICP, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Gary P. Keefe, City Administrator