

**CITY OF VALLEJO
INTERIM ZONING POLICY
August 29, 2017**

Section 1. Purpose; Consistency with General Plan required.

General Plan 2040 was adopted on August 29, 2017. General Plan 2040 identifies and has analyzed a new series of land use designations applying to all lands within Vallejo. These land use designations describe an intended range of land uses, while also typically addressing intensity of use (in some cases identifying either residential density ranges or floor area ratio limitations for non-residential uses, etc.).

A key implementation action for General Plan 2040, particularly for implementing land use designations, identifies updating of the zoning ordinance, which was last comprehensively updated in 1980. Additionally, many sections of the existing zoning ordinance are outdated and may present inconsistencies with General Plan 2040. The zoning ordinance prescribes development standards based on individual zoning districts for such criteria as building heights, setbacks, ranges of permitted and discretionary land uses, and related development considerations such as parking, landscaping, fencing and screening, signage, and similar standards. To synchronize the land use designations identified in the General Plan 2040 with appropriate development standards, the City has commenced work on creation of a new zoning ordinance (termed the “Development Code”). However, the Development Code is not anticipated to be completed and presented to City Council for adoption until spring/summer 2018.

As a result, land use and development goals and policies of General Plan 2040 and the City’s existing zoning ordinance may conflict. This could result in some projects being consistent with General Plan 2040 but inconsistent with the zoning ordinance, or vice versa.

This would result in a “gap” of several months between General Plan 2040 adoption and Development Code adoption. To ensure a seamless process for the review of development project applications and the processing of building permits, this Interim Zoning Policy has been prepared. The purpose of this Interim Zoning Policy is to resolve inconsistencies between General Plan 2040 and the existing zoning ordinance.

The Interim Zoning Policy provides a framework for connecting General Plan 2040 land use designations with a procedure to apply existing zoning ordinance provisions. Where a conflict may arise between General Plan 2040 and the existing zoning ordinance, General Plan 2040 would serve as the controlling document. Once the Development Code is adopted in 2018, the Interim Zoning Policy shall become null and void.

Therefore, except as otherwise provided herein, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, or otherwise changed, and no lot lines shall be created or changed, except in conformity with General Plan 2040. To the extent that there is an express conflict between General Plan 2040 and the existing zoning ordinance, this requirement supersedes the requirement for conformity with the zoning ordinance stipulated in Section 16.02.040 of the Vallejo Municipal Code.

Section 2. General Plan 2040 prevails over zoning and subdivision ordinances.

Until the Development Code is fully updated, land use designations, zoning controls and subdivision controls specified by the land use zoning and subdivision ordinances shall apply, except where such action would expressly conflict with General Plan 2040. Where an express conflict does arise, General Plan 2040 policies and land use designations shall apply. An “express conflict” shall be deemed to be any situation where a proposal clearly conforms to General Plan 2040 but is not permitted by the zoning and/or subdivision regulations, or where a proposal clearly does not conform to General Plan 2040 but is permitted or conditionally permitted by the zoning and/or subdivision regulations. The provisions of Section 4 and accompanying Table 1 shall be used to determine whether an express conflict exists and the processes therein described, as applicable, shall be followed to resolve the conflict.

Section 3. Applicability.

A. Subject to exceptions in Section 3B, this Policy shall apply to all of the following actions and approvals:

1. Ministerial permit applications. Ministerial permits are defined as those that involve little or no personal judgment by the public official as to the wisdom or manner of carrying out a project. These include, but are not limited to, building and demolition permits which can be issued by staff following site plan review, and also including sign permits and business licenses.
2. Discretionary permit applications. Discretionary permits require the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there is conformity with applicable policy documents and ordinances. These include a wide range of development applications, such as minor and major conditional use permit permits, site development plans and unit plans.
3. Amendments to, extensions of, or renewals of any permit.
4. Tentative maps and time extensions for tentative maps.
5. Zone changes and other legislative actions.

- B. For the following actions and approvals, the General Plan in effect prior to August 29, 2017 shall govern and this Interim Zoning Policy shall not apply:
1. Ministerial permit applications, including building permits, landscape plans, grading permits and improvement plans, associated with and contemplated by a discretionary permit that was approved prior to August 29, 2017.
 2. Discretionary permit applications determined or deemed complete, pursuant to Government Code Section 65943, on or before August 29, 2017.
 3. Administrative discretionary permit applications associated with and contemplated by a vesting tentative or final map approved prior to August 29, 2017.
 4. Any permits issued in accordance with an approved development agreement to the extent that the development agreement prevents the application of General Plan 2040 policies.
 5. Continuing operation, maintenance, and occupancy of a legal nonconforming use or structure. Nonconforming uses shall be governed by Vallejo Municipal Code Section 16.78.040.

Section 4. Determination of General Plan consistency by the Community and Economic Development Director.

The Community and Economic Development Director or his or her designee (“Director”) shall determine whether any specific land use and development proposal conforms to General Plan 2040. The Director shall use the guidelines adopted pursuant to Section 6 in making this determination.

Section 5. Consistency review process.

- A. City staff shall apply the General Plan 2040 policy consistency checklist, attached hereto as Exhibit A. The purpose of the checklist is to allow for a review to determine whether the proposed project is consistent with the policies of the General Plan 2040 that are not reflected in the existing zoning ordinance.
- B. All applications shall include a policy consistency checklist completed by the applicant and submitted with the applicable development application.
- C. Upon receipt of an application, staff shall review the completed checklist against adopted General Plan 2040 policies and land use designations, utilizing the consistency checklist. Staff shall also determine whether a General Plan consistency determination will be necessary. This determination shall include the following steps:

Step 1 – Determine General Plan Land Use Designation and Consistency

Identify land use classification for the proposal under General Plan 2040. Determine whether the proposal is permitted under that land use designation and consistent with other relevant General Plan 2040 policies. If yes, proceed to Step 2. If not, the proposal shall be denied. Alternatively, the applicant may modify the proposal so that it conforms to General Plan 2040, or may apply for a general plan amendment.

Step 2 – Determine Corollary Zoning Ordinance Criteria

Next the Director must identify the existing zoning district for the proposal under the zoning ordinance. Utilize Table 1 to determine if the existing zoning district applicable to the proposal location is listed as a zone which is consistent with the applicable General Plan 2040 land use designation for the proposal location. If it is, then the Director shall utilize all applicable land use and development standards of the zone in addressing the proposal, including whether the use is permitted by right, permitted subject to use permit approval, or not allowed.

If the zone is not identified for the applicable General Plan 2040 land use designation, the Director shall identify the “best fit” zoning district that corresponds to the land use classifications of General Plan 2040, pursuant to the incorporated and attached Table 1. Where Table 1 identifies more than one possible zone, the Director shall determine which of the possible zones is the “best fit” zone by considering the characteristics of the proposal, including the activity/facility type and the density and intensity of use; the land uses and other relevant characteristics of the surrounding area; and any relevant policies of General Plan 2040. The Director shall then utilize all applicable land use and development standards of the zone in addressing the proposal. The Director shall make consistency findings in this determination as detailed in Section 6.

For ministerial projects found to be consistent with General Plan 2040 and for uses which are permitted under the applicable zoning district, Staff may issue the ministerial permit based on compliance with applicable zoning district development regulations.

Step 3 – General Plan 2040 Consistency Determinations in Other Instances

In those instances where the Director determines an express conflict with General Plan 2040 and the process for zoning identification in Steps 1 and 2 cannot be determined, the Director may allow an applicant to seek determination of General Plan 2040 consistency by submitting an application for a major use permit, which shall be subject to payment of standard City application fees and review by the Planning Commission in accordance with provisions of the Municipal Code. Additionally, the Planning Commission may grant the major use permit only where it determines that the proposal is consistent with General Plan 2040 using the consistency findings in Section 6, below.

Section 6. General Plan 2040 consistency findings.

A. The four general plan consistency findings listed below provide the basis for determining if a specific development proposal is consistent with General Plan 2040. The Director or, where Planning Commission action is required, shall determine that a specific proposal is consistent with General Plan 2040 if he or she finds as follows:

1. The proposal is appropriate in consideration of the characteristics of the surrounding area;
2. The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies;
3. The proposal will clearly promote implementation of General Plan 2040; and
4. The proposal conforms to the zoning ordinance requirements of the applicable or “best fit” zoning district.

B. The Director shall maintain a written record of all such determinations in the Planning Division files.

Section 7. Appeal of Director’s determination.

Decisions of the Director may be appealed in writing within ten calendar days to the Planning Commission in accordance with Section 16.102.030.

Section 8. New Definitions.

To the extent that this Interim Zoning Policy or any related documents prepared by staff introduce new terms that are not currently defined in the current zoning ordinance, staff may utilize the American Planning Association “A Planners Dictionary” for uses and definitions.

Section 9. Generally applicable laws.

Nothing in this Interim Zoning Policy shall be interpreted as exempting proposals subject to this Interim Zoning Policy from compliance with any generally applicable state or local law or regulation, including but not limited to the California Environmental Quality Act. Nothing in this Interim Zoning Policy shall be construed to limit the rights of a property owner to apply for a zone change or general plan amendment pursuant to the Vallejo Municipal Code.

Attachments:

1. General Plan 2040 Consistency Checklist
2. General Plan2040/Existing Zoning District Consistency Table

**City of Vallejo Interim Zoning Policy, Attachment 1
CHECKLIST FOR IDENTIFYING GENERAL PLAN POLICIES
RELATED TO NEW DEVELOPMENT**

Applicant Information:

Name:

Project Address/APN:

Project Proposal:

1. Does the project have potential for creation of substantial traffic (100 vehicle trips per day) or generation of 10 or more parking spaces? Yes No
2. Does the project involve a large-scale or “big box” commercial business? Yes No
3. Does the project involve large-scale office, industrial or institutional development? Yes No
4. Does the project propose new single-family or multi-family residential development? Yes No
5. Could the project affect a street or bicycle facility? Yes No
6. Is the project in the Downtown or Waterfront area? Yes No
7. Is the project located within a designated Historic District? Yes No
8. Is the project located within the boundaries of a Specific Plan or subject to an approved Master Plan/Unit Plan? Yes No

Staff Use Only:

BASED ON REVIEW OF THE PROJECT DESCRIPTION AND REVIEW OF APPLICABLE GENERAL PLAN POLICIES, THE PROJECT IS:

____ CONSISTENT WITH GENERAL PLAN

____ INCONSISTENT WITH THE GENERAL PLAN

Planner:

Date:

ADDITIONAL NOTES / COMMENTS:

General Plan Consistency Determinations

Issue Area	General Plan 2040 Guiding Principles and Policies
New Residential Development	Guiding Principles 1,3, 6 and 7 CP-1.4, 2.2 NBE-1.15, 2.3, 2.7, 2.8, 3.5, 3.13, 3.14, 5.4, 5.1 to 5.3 (noise)
Commercial Development	Guiding Principles 13-16 CP-1.1, 2.2 NBE-1.7, 1.15, 2.3, 2.5, 2.8, 5.4 EET-3.4, 4.2
Office/Industrial/Institutional Development	Guiding Principles 13-16 CP-1.4, 1.5, 2.2, 2.3, 3.4, 3.6, 3.8, 5.1 to 5.3 (noise) NBE-1.7, 1.15, 2.5, 2.6, 2.9, 3.10, 5.4 EET-1.1, 1.2, 1.4, 3.1, 3.2, 3.4
Traffic and Circulation	Guiding Principles 17-19 CP-1.6 NBE-1.8, 3.14 MTC-2.1, 2.5, 2.6, 2.7, 2.8, 3.1, 3.4, 4.2, 4.3
Downtown/Waterfront Development	Guiding Principles 10-11 NBE-1.1, 1.6, 2.1, 2.5, 3.1, 3.2, 3.3, 3.5, 4.1, 4.2, 4.5, 5.4 EET-3.3, 4.2 MTC-3.5
Historic Resources	NBR-1.9, 1.10, 1.11, 1.12
Specific Plans	NBE-3.7, 3.8, 3.9

City of Vallejo Interim Zoning Policy, Attachment 2
General Plan 2040/Existing Zoning Code Consistency Table

GENERAL PLAN 2040	EXISTING ZONING
Land Use Designations	Applicable Zoning Districts/Specific Plans
Primarily Single Family (R-SF)	Low Density Residential (LDR)
Mix of Housing Types/Medium Density (R-MH)	Medium Density Residential (MDR) High Density Residential (HDR)
Primarily Multi-Family (R-MF)	High Density Residential (HDR) White Slough Specific Plan
District - Downtown/Waterfront (D-DW)	Downtown Specific Plan (DSP) Waterfront PDMP Pedestrian Shopping and Service District (CP)
District - Mare Island (D-MI)	Mare Island Specific Plan (MISP)
District - Solano 360 (D-360)	Solano 360 Specific Plan
District - North Gateway (D-NG)	Pedestrian Shopping and Service District (CP) High Density Residential (HDR)
Central Corridor (CC)	Sonoma Boulevard Specific Plan (policy only) Downtown Specific Plan (DSP) Pedestrian Shopping and Service District (CP) Linear Commercial (CL)
Neighborhood Corridor (NC)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) White Slough Specific Plan
Retail/Entertainment (RE)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) Freeway Shopping and Service District (CF) Waterfront Shopping and Service District (CW) Neighborhood Shopping and Service District (CN) Northgate Specific Plan

GENERAL PLAN 2040	EXISTING ZONING
Land Use Designations	Applicable Zoning Districts/Specific Plans
Business/Limited Residential (BR)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) Neighborhood Shopping and Service District (CN) Professional Office (PO) Intensive Use - Limited (IUL) High Density Residential (HDR) White Slough Specific Plan
Business/Light industrial (BLI)	Intensive Use (IU) Intensive Use - Limited (IUL) Neighborhood Shopping and Service District (CN) White Slough Specific Plan
Industrial (I)	Intensive Use (IU) Intensive Use- Limited (IUL)
Parks, Recreation, and Open Space (P-OS)	Public and Quasi-Public Facilities (PF) Resource Conservation (RC)
Public Facilities and Institutions (PF)	Public and Quasi-Public Facilities (PF) Medical (M)