

# ENVIRONMENTAL REVIEW GUIDELINES



City of Lompoc

Community Development Department

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## **INTRODUCTION**

The City of Lompoc Environmental Review Guidelines provide an overview of the California Environmental Quality Act (CEQA) as implemented in the City of Lompoc. The City has adopted and incorporated by reference the principles, objectives, criteria, and definitions contained in the State CEQA Guidelines, “Guidelines for Implementation of the California Environmental Quality Act” as adopted and filed by the California Resources Agency on February 3, 1973, and all revisions thereafter adopted. Specific procedures and provisions which tailor the general provisions of the review guidelines to the operations of the City of Lompoc are contained within this document as mandated by CEQA Guidelines Section 15022.

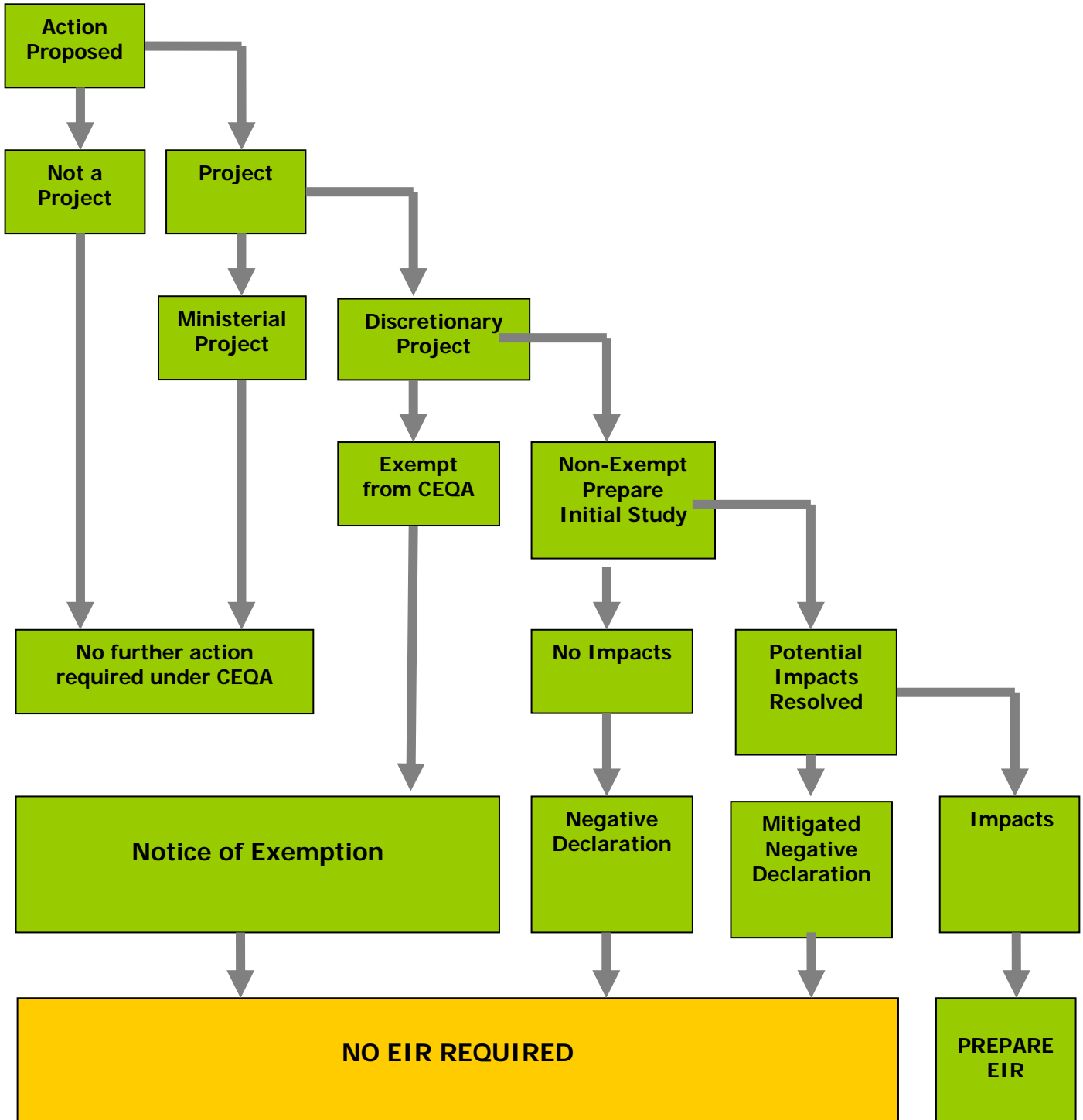
## **CEQA APPLICATION TO PROJECTS**

“The purpose of CEQA is to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.” (Section 15002)

The requirements set forth in this document apply to all projects which may have a significant effect on the environment and which involve discretionary governmental action by the City. This includes projects carried out by various City Departments and private project proponents. Where it can be seen with certainty that the activity in question will not have a significant impact on the environment or is otherwise exempt from the requirements set forth in CEQA, these requirements do not apply.

The City staff evaluates each potential project as shown on the following chart:

## Lead Agency Decision to Prepare an EIR



An Action (project) is proposed by a private developer or a City department. Planning staff review the application materials that are submitted to determine if the action is a “project” under CEQA.

Following the determination that an action is a “project”, staff evaluates the project to determine if it is exempt from CEQA review. Exempt actions include those which are statutory exemptions, typically ministerial projects (i.e. building permits), categorical exemptions, “general rule” exemptions, and disapproved project.

Discretionary projects are generally subject to CEQA review. Project applicants are required to submit a completed City Environmental Information Form. Planning staff will prepare an Initial Study and determine the level of environmental review required:

If No Environmental Impact is identified, a Negative Declaration (ND) will be prepared;

If Environmental Impacts are identified which can be mitigated to a level of insignificance, a Mitigated Negative Declaration (MND) is prepared; and Mitigation Measures are imposed upon the project; or

If there are potentially significant environmental impacts identified, an Environmental Impact Report (EIR) is prepared.

In addition to the foregoing, an EIR shall be prepared for the following actions and permits processed and issued by the City of Lompoc because of their potential for substantial environmental impacts, unless a Negative Declaration is made thereon:

1. General plan and specific plans and amendments thereto;

2. Zone changes;
3. Variances;
4. Planned Development Permits
5. Subdivision tract maps and parcel maps;

An EIR shall be prepared for any of the following actions taken by the City, unless a Negative Declaration is made thereon:

1. Projects not listed in Annual Maintenance Plan;
2. Projects involving impacts to local waterways;
3. New construction or expansion of public facilities;
4. Acquisition of property for public facilities or use;
5. Public projects that exceed City Thresholds of Significance.

## **DELEGATION OF RESPONSIBILITIES**

Section 15022(a)(12) of the CEQA Guidelines requires the public agency to assign responsibility for specific functions to particular units of the public agency. The Planning Division staff is assigned the administration of these functions. Functions include but are not limited to:

1. Acceptance of the completed application;

2. Determination whether a project is ministerial or discretionary;
3. Determination whether a project is exempt, requires a Negative Declaration or an EIR;
4. Preparation of a Negative Declaration or EIR;
5. Assistance with preparation of responses to public comments;
6. Preparation of staff report to decision-making body regarding certification of the environmental document;
7. Preparation and filing notices (of preparation, completion, determination, exemption); and
8. Entering into contractual agreements for preparation of Negative Declarations, EIRs and special studies.

The City Council and/or Planning Commission of the City of Lompoc are/is assigned the following functions:

1. Hear testimony from public hearings, regarding the adequacy of the environmental document;
2. Review and certify the final environmental document for completeness; and
3. Approve the project and certify the environmental document.

When an advisory body such as the Planning Commission is required to make a recommendation on a project to the decision-making body, the Planning Commission shall also review and consider the environmental document. City projects will be reviewed by the Planning Division to determine if the project requires architectural or development plan review.

For all projects requiring City entitlement and for which an EIR or ND is determined to be necessary, the Planning Division staff or designee of the City, may prepare a Request for Proposal for use of private consulting services. In the selection of the method by which the EIR or Negative Declaration is prepared, Planning Division staff shall consult with and advise the project proponents as to the most expeditious method of preparing the environmental document consistent with the review guidelines for the analysis and protection of environmental quality in the City of Lompoc and CEQA, including the proposed cost and timeline..

## **CHARGES FOR ENVIRONMENTAL REVIEW**

Section 15045 of CEQA Guidelines enables the City of Lompoc to charge and collect a reasonable fee from the project applicant, to recover the incurred cost of preparation of environmental documents.

To defray the cost of the preparation, processing, and revision of environmental review documents, the Planning Division shall charge and collect a deposit from the project proponent of the estimated costs prior to preparation of the document. Upon completion of environmental review any surplus in the amount of deposit over preparation, processing, and revision costs shall be ordered refunded by the Planning Division to the proponent. If any deficiency between the deposit and total costs exist, the remaining costs shall be paid by the proponent to the City of Lompoc. The fees to be charged by the Planning Division for the processing of environmental matters shall be as established by Council resolution.

Costs related to the preparation of environmental documentation for City Projects will be paid by the department or division considered to be the proponents of the project. Costs will cover the preparation, processing, and revisions to the environmental documentation, as well as staff time of the Planning Division staff to oversee project management and presentation of the project to the decision-making body. If mitigation monitoring is required, additional costs will be charged for monitoring activities.

## **CONSULTANT SELECTION AND MANAGEMENT**

EIRs shall be prepared directly by the City or by a qualified consultant under contract to the City. The City may require the project applicant to supply data and information to determine whether the project may have a significant effect on the environment and to assist the City/consultant in preparing the draft EIR. Prior to using a draft prepared by a consultant, the City shall subject the draft to the City's own review and analysis. EIRs which are sent out for public review must reflect the independent judgment of the City. The City is responsible for the adequacy and objectivity of EIRs.

The City maintains a list of qualified consultants for EIRs, environmental studies, and reports based on solicited and unsolicited qualifications information. This list is periodically updated and is used to formulate a list of qualified consultants to contact to bid on proposed projects.

A Planning Division staff member is assigned to act as project manager to administer the EIRs and associated contracts. The project manager acts as the primary point of contact to the consultant. Contracts include a list of deliverable products at key stages of the environmental review process. Payments are made based upon submittal of a satisfactory deliverable. The project manager determines when a deliverable is satisfactory and initiates contract payments.

Payments are made from a City account in which monies from the project applicant have been deposited. The project applicant shall not have direct contact with the consultant at any time during the environmental review process, to ensure objective analysis.

## **LEAD AGENCY TIME FRAME**

Section 15100(a) provides that public agencies shall adopt time limits to govern their implementation of CEQA consistent with this article. The following are time limits for CEQA projects.

- When the City is acting as Lead Agency for a project for which the agency will grant a lease, license, permit, certificate, or other entitlement for use, the City shall complete and certify an EIR in not more than one year or complete a Negative Declaration in not more than 105 days from the date the application is accepted as complete.
- The City shall review an application for a permit or other entitlement for use and make a determination regarding its completeness within thirty (30) days from the receipt of the application, except as provided in Section 15111 of CEQA Guidelines. If no written determination is made, the application will be deemed complete on the thirtieth (30<sup>th</sup>) day.
- Within thirty (30) days after accepting an application as complete for a project involving issuance of a lease, permit, license, certificate, or other entitlement for use, the City shall make an initial determination of whether the project will require an EIR or a Negative Declaration. The time frame for completion of documents will begin once a consultant has been chosen. Time frames established above also pertain to public projects requiring environmental review.

The time frames set forth in this section may be waived if all of the following conditions occur:

1. The project will require both CEQA and NEPA environmental documentation;
2. Additional time will be required to prepare a combined EIR/ Environmental Impact Statement (EIS), or a combined Negative Declaration/Finding of No Significant Impact, under both laws;
3. The time required to prepare such a combined document would be less than the time required to prepare each document separately, and/or
4. The applicant has requested or consented to a waiver.

The time periods are waived as provided above, the City must approve or disapprove the project within 60 days after the combined document under CEQA and NEPA has been completed. (Government Code Section 65961).

The City shall notify Responsible Agencies of the scope and content of a proposed EIR as soon as possible but no later than thirty days after the meeting is requested as provided in the Consultation section of this resolution.

Time records relating to the preparation, processing and revision of EIRs and EISs shall be kept and maintained by Planning Division staff, and every consultant employed. Upon demand by the proponent, the City will furnish a detailed billing of the costs attributable to the document preparation, processing and revision.

Time frames set forth in this document may be extended for a reasonable period of time in the event that compelling circumstances justify additional time and if the project applicant agrees to the time extension.

## **PUBLIC PARTICIPATION**

Public participation will be encouraged throughout the environmental review process in order to properly receive and evaluate public reactions based on environmental issues.

A public hearing on the environmental impact of a project shall be held when the City determines it would facilitate the purposes and goals of CEQA and this Resolution to do so. The hearing shall be held in conjunction with and as a part of normal planning activities. To as great a degree as possible, these hearings shall include comments from review agencies made pursuant to this Resolution.

A draft EIR should be used as the outline for discussion at public hearings provided in this section.

Notices shall be given of all public hearings in a timely manner. This notice shall be given in the same form and time as noticed for other regularly conducted public hearings of the City. Comments received shall be kept on file for a reasonable period of time and available for public inspection at the Planning Division.

## **PUBLIC REVIEW AND NOTIFICATION**

Time periods for public review will be consistent with applicable CEQA statutes and guidelines, as well as the State Clearinghouse review periods as discussed in Section 15203 of the CEQA Guidelines.

Public notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

1. Publication, no fewer times than required by Section 6061 of the Government Code, by the City, in a newspaper of general circulation in the area affected by the proposed project;
2. Posting of notice by the City on and off site in the area where the project is located; or
3. Direct mailing to owners of property within 300' of the project boundary.

The alternatives for providing notice specified above shall not preclude the City from providing additional notice by other means if it so desires, nor shall the requirements of this section preclude the City from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.

The City should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agency should be consulted with regard to a particular project.

Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction to other proceedings of the City, but will be held in accordance with section 15202 of CEQA Guidelines.

## **RESPONSE TO COMMENTS**

The City or consultant shall evaluate comments on environmental issues and prepare a written response. All responses shall be in accordance with Section 15088 of CEQA Guidelines.

## **CATEGORICAL EXEMPTIONS**

The City will utilize the classes of projects listed in Article 19 of the CEQA Guidelines to determine categorical exemptions for public and private projects.

## **ANNUAL MAINTENANCE PLAN**

The City will provide a listing of annual exemptions for planned public projects in the City of Lompoc's Annual Maintenance Plan. The intended use of the Annual Maintenance Plan is to list exempt projects in one document for public notice, review, and approval. Revisions to this document will be made annually. The Annual Maintenance Plan is on file in the Planning Division office for public review.

## **MITIGATION MONITORING**

Mitigation approved by the decision-making body in either a Mitigated Negative Declaration or an EIR, will be carried out and monitored in accordance with the informal guidelines published by OPR and in Section 21081.6 of the CEQA Statutes.

Mitigation measures shall address the stated objective of the measure, including why it is recommended, the specific location of the measure, an explanation of the specific measure and description of how the measure will be designed and implemented, identify the agency, organization or individual responsible for implementing the measure, and develop a schedule for implementation to be included in the environmental document prior to certification and approval. Mitigation measures shall be implemented prior to final approval or issuance of final permits.

Mitigation Monitoring plans will be approved by the decision-making body at the time that the final environmental document is approved. Any changes to mitigation measures may require additional public review.

## **APPEALS**

The City of Lompoc shall allow for administrative appeals in accordance with Section 15185 of the CEQA Guidelines. Such appeals shall be subject to the following:

The decision-making body shall announce its decision in regard to an EIR by minute action or resolution. A resolution which certifies an EIR and makes a finding (or includes as part of said resolution a finding) that a project proposed by an application for permit either does or does not have a substantial adverse effect on the environment shall be effective upon its adoption but shall be subject to the right of appeal to the City Council as provided herein. In the event of a decision made by the City Council, in the first instance, said decision shall be final.

Within ten (10) calendar days after the day of the rendition of a decision by the Planning Commission, an appeal to the City Council may be made by the applicant, or any person or group aggrieved, or by any Officer, Department, Board or Commission of the City affected by the decision. An appeal may be commenced only by filing with the City Clerk an original and two copies of the Notice of Appeal, which specifies the grounds of appeal, and the action which the appellant requests the City Council to take, along with a filing fee established by Council resolution. Said appeal shall be scheduled and heard by the City Council at a regular meeting within thirty (30) days following the date the appeal is filed with the City Clerk. The City Council shall announce its decision, by minute action, within thirty (30) days following hearing of said appeal.

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