

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: APRIL 14, 2010

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: LUCILLE T. BREESE, AICP
PLANNING MANAGER

RE: TA 10-02 – TEXT AMENDMENT
ENVIRONMENTAL REVIEW GUIDELINES

AGENDA ITEM NO. 2

Planning Commission consideration of a Text Amendment to the City's Zoning Ordinance to amend *Chapter 17.148 – Application of Environmental Guidelines to Zoning Matters* and a recommendation to the City Council for adoption of amended Environmental Review Guidelines. The proposed Text Amendment will also amend the City of Lompoc Environmental Review Guidelines to be consistent with requirements of the California Environmental Quality Act (CEQA). If adopted, the Ordinance will be effective Citywide. A Negative Declaration has been prepared for this project in accordance with the California Environmental Quality Act (CEQA).

SCOPE OF REVIEW:

The Planning Commission is being asked to:

- Recommend that the City Council adopt the Negative Declaration, and direct staff to file a Notice of Determination (NOD);
- Recommend that the City Council adopt the draft Ordinance approving the proposed change to the Zoning Ordinance language; and,
- Recommend that the Council adopt the attached revised Environmental Review Guidelines.

The Planning Commission has the authority to recommend approval or denial of an amendment to the Zoning Ordinance to the City Council (Lompoc City Code Section 17.132.040).

PLANNING COMMISSION ACTION:

1. Receive public input;
2. Review the draft Ordinance for revision of the Zoning Ordinance Chapter 17.148 Environmental Matters and recommend any changes;
3. Review the draft revised Environmental Review Guidelines and recommend any changes; and,
4. Adopt Planning Commission Resolution No. 671 (10) recommending that the City Council adopt the Negative Declaration and adopt Text Amendment TA 10-02 amending Section 17.148.010 Application of Environmental Guidelines to Zoning Matters and adopt the revised Environmental Review Guidelines.

BACKGROUND:

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|----------------|---|
| Sept 18, 1973 | City Council adopted Resolution No. 2299 (73) <i>Establishing Standards, Procedures and Guidelines for the Analysis and Protection of Environmental Quality in the City of Lompoc</i> ; |
| April 16, 1974 | City Council reviewed and adopted Resolution 2353 (74) repealing Resolution No. 2299 (73) and <i>Establishing Standards, Procedures and Guidelines for the Analysis and Protection of Environmental Quality in the City of Lompoc</i> ; |
| April 21, 1981 | City Council adopted Resolution No. 3024 (81) establishing Environmental Review Guidelines for the City of Lompoc; and |
| July 18, 1995 | City Council adopted Resolution No. 4464 (95) revising the Environmental Review Guidelines for the City of Lompoc. |

DISCUSSION:

The State of California adopted the California Environmental Quality Act (CEQA) in 1970. Subsequently, the CEQA Guidelines were adopted in 1973 to provide direction on the implementation of CEQA. CEQA and the Guidelines have been amended throughout the ensuing years. The City of Lompoc has conducted environmental review of projects as appropriate. It is the responsibility of the Planning Division to assure that the requirements of CEQA are fully disclosed to applicants.

Staff is recommending that the language in the Environmental Review Guidelines be updated to reflect current CEQA requirements. Additionally, the City's Environmental Review Guidelines language should be revised to allow projects to be processed utilizing applicable CEQA requirements removing more stringent requirements found in the current version of the City's Environmental Review Guidelines.

The City's current Environmental Review Guidelines (July 1995) require that a Negative Declaration (ND) must be prepared for all Conditional Use Permits (CUP), without considering the specific circumstances of the proposal. CEQA simply requires an initial evaluation to determine if a proposed CUP could have potentially significant environmental impacts. If there are no potentially significant environmental impacts identified a Categorical Exemption, rather than a Negative Declaration would be prepared.

Based solely on the City's Environmental Review Guidelines, some applicants are required to have Negative Declaration processed on their project. This leads to additional processing time for a project, due to required review period for the ND. Additionally the cost for the applicant has the potential to increase since the California Department of Fish and Game (DFG) imposes a filing fee on Negative Declarations of \$2,010.25 and Santa Barbara County charges \$50.00 to process the CDFG fee. As a result of these charges even a project as minor as a church moving into an existing building may have to pay the \$2,010.25 fee or request a "No Effect" determination from the CDFG.

The proposed revisions to the Zoning Ordinance and Environmental Review Guidelines are intended to assist the business community by streamlining the processing of projects. Additionally, the cost of projects will be reduced when they are eligible for Categorical Exemptions under CEQA.

LANGUAGE REVISIONS:

Following is the proposed language change to the Zoning Ordinance with deletions marked with ~~strikeout~~ and additions with **bold**:

- 1) Zoning Ordinance
Chapter 17.148, Environmental Matters
Section 17.148.010 Application of Environmental Guidelines to Zoning Matters

The City of Lompoc, all public agencies of the City, and every citizen of Lompoc has a responsibility to comply with the **California Environmental Quality Act (CEQA)**, according to the **State CEQA** guidelines promulgated by the California Resources Agency and Resolution No. 2353 (74), titled ~~Standards, Procedures for the Analysis and Protection of Environmental Quality in the City of Lompoc~~ **the most recently adopted City of Lompoc Environmental Review Guidelines.**

Unless a project is determined to be exempt from CEQA Specifically, an environmental impact report **or negative declaration** shall be required in accordance with Resolution No. 2353 (74) for any **discretionary permit issued by the City** of the following zoning actions due to their potential environmental impact. unless a negative declaration is made thereon:

1. ~~General Plans and specific plans and amendments thereto,~~
2. ~~Zone Changes,~~
3. ~~Variances,~~
4. ~~Conditional Use Permits.~~
5. ~~Planned Development Permits,~~
6. ~~Subdivision tract maps for both standard and minor subdivisions.~~

2) See Attachment No. 3 – Environmental Review Guidelines.

NOTICING:

April 2, 2010 –

Notice of Public Hearing was published in the Lompoc Record.

ENVIRONMENTAL DETERMINATION:

An Initial Environmental Study has been performed for the proposed Text Amendment. Pursuant to the provisions of the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared and is attached for Commission review and recommendation to the Council. A Notice of Determination (NOD) will be filed following Council action.

Attachments:

1. [Planning Commission Resolution No. 671 \(10\)](#)
2. [Draft City Council Ordinance](#)
3. [Draft Environmental Review Guidelines](#)
4. [Initial Environmental Study and Negative Declaration](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Arleen T. Pelster, AICP Community Development Director	Date	Lucille T. Breese, AICP Planning Manager	Date