CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT

DATE: JUNE 12, 2006

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
ARLEEN T. PELSTER, AICP,
COMMUNITY DEVELOPMENT DIRECTOR

RE: TA 06-03 – TEXT AMENDMENT
OF THE ZONING ORDINANCE RELATED TO
NON-CONFORMING USES, STRUCTURES,
AND LOTS

MEETING

AGENDA ITEM NO. 7

Planning Commission consideration of a Text Amendment to the City's Zoning Ordinance to amend Chapter 5, Section 8862 -- Non-Conforming Uses, Structures, and Lots. The proposed Text Amendment will provide flexibility by allowing the Planning Commission to individually consider requests for Conditional Use Permits to allow deviation of certain development standards for existing uses where a previously developed property is being expanded and improved within the allowed zoning. 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).

AUTHORITY:

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 8887).

PROPOSAL:

Amendment of the Non-Conforming Uses, Structures, and Lots Zoning District to include Conditional Use Permits would provide the flexibility necessary for the Planning Commission to approve expansion or redevelopment of previously developed properties where strict conformance with the Zoning Ordinance would preclude the implementation of such projects.

ANALYSIS:

Background:

Older areas of the City are being redeveloped and updated for a variety of residential, commercial, and industrial uses. Such projects are beneficial because they clean up dilapidated properties, increase property values, and provide modern residential and

business opportunities. While some properties are razed and rebuilt from the ground up, many properties contain structures which can remain in use. Projects on such properties can include addition of new facilities with rehabilitation of existing structures, resulting in a higher and better use. The current Zoning Ordinance generally requires when new facilities are added, the entire site must be brought into conformance with many of the current codes, including compliance with current parking requirements. This requirement can be difficult to meet on properties which were developed prior to the existing zoning regulations. Several applicants have found it difficult or impractical to develop viable plans which retain existing structures and meet the Ordinance.

Insufficient flexibility exists in the current Zoning Ordinance to allow the Planning Commission to approve projects of this nature that do not strictly comply with the Ordinance.

Discussion:

The Zoning Ordinance contains Section 8880 et seq. which sets forth the Conditional Use Permit regulations and process. The Intent and Purpose section provides in part:

"….In granting a conditional use permit, the Planning Commission may allow deviations from yard, fence, height, and lot size regulations of the zone. This flexibility is intended to provide a necessary means by which certain land uses can be designed and arranged in accord with existing conditions of the neighborhood, site, topographic and street conditions, as well as the utilization of various design concepts."

By amending the Ordinance to identify non-conforming structures and developed properties as uses which are allowed subject to Conditional Use Permits, the Planning Commission would have the authority to allow deviations from current standards. In the Text Amendment, staff has specified that acceptable deviation from regulations includes parking regulations.

As proposed, the Commission would need to make several findings to approve deviations with a Conditional Use Permit. Should the Commission be unable to make the following findings, the Conditional Use Permit could not be approved.

1. Strict conformance with the Zoning Ordinance would preclude viable expansion or redevelopment of the site;

2. Strict conformance with the Zoning Ordinance would result in disorderly or illogical transition(s) between existing and expanded areas of the site; and

3. Deviation from Zoning Ordinance regulations would not jeopardize the public health, safety, and welfare, and would produce a quality built environment.

Noticing:

May 19, 2006 -- Notice of the 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.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Receive public input;

2. Review the draft Ordinance and recommend any changes; and,

3. Adopt Planning Commission Resolution No. 497 (06) recommending that the City Council certify the Negative Declaration and adopt Text Amendment TA 06-03, amending the Zoning Ordinance section related to Non Conforming Uses, Structures, and Lots.

Attachments:

1. Draft Planning Commission Resolution No. 497 (06)
2. Draft City Council Ordinance
3. 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** **City Planner**	**Date**

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Attachment No. 1

RESOLUTION NO. 497 (06)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT TA 06-03

WHEREAS, the Planning Commission has considered a Text Amendment (TA 06-03), to amend Section 8862 Non-Conforming Uses, Structures, and Lots of the Zoning Ordinance; and,

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on June 12, 2006; and

WHEREAS, at the meeting of June 12, 2006, City staff was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of June 12, 2006, _____ spoke, regarding the proposal; and

WHEREAS, the Planning Commission has recommended City Council adoption of the Negative Declaration prepared for the Text Amendment, pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

A. The proposed Text Amendment (TA 06-03) recommended in this Resolution will provide the flexibility necessary for the Planning Commission to approve expansion or redevelopment of previously developed properties where strict conformance with the Zoning Ordinance would preclude the implementation of such projects.

B. The proposed modification to the Zoning Ordinance is required for the public necessity, convenience, and general welfare.

SECTION 2: Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposed Text Amendment show that there is no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:

C. The proposed Text Amendment will not result in an adverse impact on the environment; and

D. Any effects of the proposed Text Amendment will be de minimis and therefore no filing fee is required pursuant to Fish and Game Code Section 711.4 and Public Resources Code Section 21089.

SECTION 3: The Planning Commission resolves that this Resolution shall be forwarded to the City Council, pursuant to Section 8887.3.c. of the Lompoc City Code, with the Commission's recommendation that the Council adopt the draft Ordinance approving TA 06-03, amending the Zoning Ordinance section related to Non-Conforming Uses, Structures, and Lots Zoning District.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____ was adopted at the regular Planning Commission meeting of June 12, 2006, by the following vote:

AYES:

NOES:

_____ _____

Arleen T. Pelster, AICP, Secretary Jack Rodenhi, Chair

Exhibit A. Draft Ordinance No. XXXX (06)

ORDINANCE NO. 1524 (06)

AN ORDINANCE OF THE CITY OF LOMPOC, ADDING ARTICLE 9B TO TITLE 2 OF CHAPTER 50 OF THE LOMPOC CITY CODE PERTAINING TO MIXED USE ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 9B is hereby added to Chapter 2,Title 2 of Chapter 50 (the Zoning Ordinance) of the Lompoc City Code to read as follows:

Article 9B-- Mixed-Use (M-U) District.

Section 8150 Intent and Purpose.

To provide areas that encourage residential opportunities and innovative retail commercial uses that are located near transportation corridors where local residents have access to personal services, retail facilities, and cultural opportunities that are pedestrian oriented. To recognize the unique character that alleys can provide to support infill development, subject to appropriate standards to preserve views, protect privacy, and limit building bulk.

Section 8151 Definitions.

FAR - Floor Area Ratio: The FAR indicates the maximum intensity of development on a parcel. The FAR is expressed as the ratio of building space to land area. For the purposes of this section, building space is defined as enclosed gross leasable space.

Mixed-Use (M-U) Project: The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. Mixed-use projects may be arranged vertically (ground-level retail, office, restaurant, entertainment, or community facility with residential uses above the first floor).

Section 8152 Land Uses and Permit Requirements.

The following section describes those land uses which are permitted, conditionally permitted, or prohibited in the MU District. Where a use is unlisted, the City Planner, or designee, shall be responsible to make a determination of the most appropriate use classification. The City Planner may refer, with or without recommendation, any interpretation regarding a use classification directly to the Planning Commission for a decision. Unless a use is determined to be similar to a listed use, it shall be prohibited.

Permitted Uses are uses which are permitted as a right within the MU District. Permitted uses shall obtain a business tax statement, or equivalent, prior to commencement of use.

Conditional Uses are uses which require a Conditional Use Permit, as provided for in the Lompoc Zoning Ordinance, prior to commencement of the use or issuance of a building permit.

Prohibited Uses are uses which are not permitted in the MU District.

Section 8153 Permitted Uses.

1. Antique or collectible store
2. Bakeries
3. Bed and breakfast facilities
4. Bookstores
5. Open space
6. Personal services (barber, hair dresser)
7. Professional offices (CPA, Realtor)
8. Public facilities
9. Residential (single and multi-family) dwelling units
10. Retail Commercial (less than 5,000 square feet)
11. Specialty food store (less than 5,000 square feet)
12. Studio – Art, dance, martial arts, music, etc.

Section 8154 – Conditionally Permitted Uses.

1. Restaurant, outdoor dining
2. Retail Commercial, over 5,000 square feet
3. Specialty Food Stores, over 5,000 square feet
4. Tasting room, tavern, night club
5. Thrift or second hand store

Section 8155 – Prohibited Uses.

The following uses are not permitted in the MU Zone District:

1. Automobile Related Uses

2. Light Manufacturing

3. Parking Structures (garages for single and multi-family dwellings are permitted)

4. Pawn shop

5. Warehousing and Storage not subordinate to and directly related to the primary use, and/or occupying more than 50% of the site

Section 8156 Standards of Development.

Projects in the MU District shall be subject to the development standards prescribed in this section, any standards not specifically addressed are subject to the regulations of the City of Lompoc Zoning Ordinance.

FAR – Floor Area Ratio	Commercial Uses - 0.75 Commercial and Residential Uses – 1.00 with a minimum of 33% of floor area for residential
Lot Area	Minimum not less than ten thousand (10,000) square feet
Lot Width	75 foot minimum
Lot Depth	No minimum
Height – **Maximum** **Minimum**	45 feet or three stories New construction shall be a minimum of two stories; existing structures may remain one story
Minimum Yard Setback **Front** **Side**	No minimum No minimum

Rear	Generally, a 10 foot rear yard shall be provided to accommodate solid waste receptacles and equipment, unless another dimension is determined to be sufficient by the Planning Commission or City Council
Maximum Residential Density	21.8 DU/net acre
Parking Requirements **Commercial** **Residential**	Parking shall be provided in compliance with Section 8851, unless determined by the Planning Commission or City Council that reduction of those requirements is appropriate, based on a finding that the nature and size of the use will likely attract 50% or more of its patrons on foot or via bicycle Parking shall be provided in compliance with Section 8851
Signs	As permitted in Section 8840 et seq.
Open Space	Each dwelling unit shall be provided with private, usable space, i.e. decks, balconies, yards, or patios.
Outside Display	All outside display and storage shall be within an entirely enclosed building or be completely screened from public view.
Fencing	Must be constructed to be architecturally compatible with main structures on the site, as allowed in Section 8814.
Accessory Structures	Must be constructed to be architecturally compatible with main structures on site, as allowed in Section 8811. Portable metal storage containers are prohibited.

Section 8157 Design Standards.

1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.
2. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
3. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portion of the project, through courtyards, plaza, walkways, or similar features.
4. The proposed use of each live/work unit is to provide a bona fide retail commercial or professional service in addition to the residential use thereof. No residential use shall be allowed on the ground floor of a multi story building.
5. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and non residential uses.
6. At the pedestrian level, at least 50 percent of the total ground floor building frontage of any new or reconstructed building facing the public right of way shall have the following: windows with clear un-tinted glass and recessed entries.

Section 8158 Non-conforming Use and Structures

Where at the time of adoption of this Section, a lawful use of land or structure exists which would otherwise not be permitted by the regulations established by this Section, such use or structure may be continued indefinitely subject to the following:

a. No nonconforming use shall in any way be physically expanded or extended more than 25 percent of its gross floor area either on the same or on adjoining property, unless the expansion is intended to bring the use into or toward conformity.

b. A nonconforming use shall not be re-established after having been abandoned or discontinued for a period of 180 consecutive days. This discontinuance shall cause the use to be deemed to have ceased and the use shall not be reinstated or replaced with another nonconforming use.

c. Where a structure is noncomplying only by reason of inadequate setbacks, yard size, or open space, structural additions, alterations or enlargements of the existing structure(s) shall be permitted, provided the additions, alterations or enlargements comply with all current provision/standards relating to the structure's building envelope.

SECTION 2. Judicial review of this decision shall be governed by the time limits of Code of Civil Procedure Section 1094.6.

SECTION 3. This Ordinance shall be effective thirty (30) days after its enactment."

PASSED AND ADOPTED this _____ day of _____ 2006, by the following electronic vote:

AYES: Councilmember:

NOES: Councilmember:

ABSENT: Councilmember:

ABSTAINED: Councilmember:

_____
Dick DeWees, Mayor
City of Lompoc

ATTEST:

_____
Donna Terrones, City Clerk
City of Lompoc

CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM

A. PROJECT INFORMATION:

Project Title: Text Amendment	**Project No:** TA 06-03
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	**Contact Person and Phone Number**: Lucille T. Breese, AICP, City Planner (805) 875-8273
PROJECT DESCRIPTION / LOCATION: Consideration of a Text Amendment to the City's Zoning Ordinance to amend Chapter 5, Section 8862 -- Non-Conforming Structures. The proposed Text Amendment will provide flexibility by allowing the Planning Commission to individually consider requests for Conditional Use Permits to allow deviation of certain development standards for existing uses where a previously developed property is being expanded and improved within the allowed zoning. If adopted, the Ordinance will be effective Citywide.	
Public Agencies with Approval Authority (Including permits, funding, or participation agreements)**:** City of Lompoc	
Project Applicant, Name and Address: City of Lompoc PO Box 8001 Lompoc, CA 93436	**Project Consultant:** N/A
General Plan Designation: Varied	**City Zoning Designation:** Varied
Surrounding Land Use Designation: North – N/A South – N/A East - N/A West - N/A **Surrounding Land Uses:** North – N/A South – N/A East - N/A West - N/A	
Environmental Setting: The areas affected are within the City limits	

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.

[ ] Aesthetics	[ ] Agriculture Resources	[ ] Air Quality
[ ] Biological Resources	[ ] Cultural Resources	[ ] Geology / Soils
[ ] Hazards & Hazardous Materials	[ ] Hydrology / Water Quality	[ ] Land Use / Planning
[ ] Mineral Resources	[ ] Noise	[ ] Population / Housing
[ ]Public Services	[ ] Recreation	[ ] Transportation / Traffic
[ ]Utilities / Service Systems	[ ] Mandatory Findings of Significance	

B. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments:
a-d) Implementation of the proposed text amendment would not create changes impacting scenic vistas or resources or substantially degrade the existing visual character or quality of the City, as no development is proposed and the action applies only to existing structures.

II. AGRICULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:
a-c) The proposed text amendment applies to an existing urbanized area, and will have no impact on agricultural lands and resources.

II AIR QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Comments:
a-e) The proposed text amendment will not have an adverse impact on air quality since no development will be proposed. The ability to request Planning Commission consideration of a Conditional Use Permit will be allowed for existing structures only, and will not apply to new construction/development. Planning Commission review the CUP application will assure continued conformance with air quality standards.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:
a-e) The proposed text amendment will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will the project affect federally protected wetlands, nor will the project affect migratory wildlife corridors, nor will the project affect biological resources, because the amendment affects sites that are in an urbanized area and are not identified in the Lompoc General Plan's "Biologically Significant Areas" Map.
f) The text amendment applies to properties within an urbanized area. The City of Lompoc Biological Resources Study, prepared by Arthur D. Little in February 1987, identifies no biological resources that will be impacted by this action.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:
a-b) The proposed text amendment will not cause a substantial adverse change in the significance of a historical or archaeological resource, as identified in Section 15064.5, because the subject sites vary throughout the City and will be located in an existing developed area. Planning Commission review of each CUP application will assure that the existing structures are not identified on the City of Lompoc Cultural Resource Study, as having a historical or archaeological resource on the site.
c) The proposed text amendment will not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. Staff will review each CUP application to assure that the subject site(s) is not identified on the "Archeological Sensitivity Zones" Map, located in the City of Lompoc General Plan, adopted October 1997.
d) The proposed text amendment will not disturb any human remains, including those interred outside of formal cemeteries. The subject sites will be previously developed, and staff will review each CUP

application to assure that the site(s) are not identified on the "Archeological Sensitivity Zones" Map, located in the City of Lompoc General Plan, adopted October 1997.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: I) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:
a-e) The proposed text amendment will not have an impact on the geologic and seismic risk level of persons and property in the City. The proposed text amendment applies to existing structures only, and does not propose any development; therefore, there are no impacts identified.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:
a-h) The proposed text amendment would have no impact on the amount or nature of hazardous materials in the City, nor would it impact applicable emergency plans or response because no development is proposed. This text amendment will apply only to existing structures.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
I) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:
a-j) The proposed text amendment will not have an impact on hydrology or water quality. The proposed text amendment applies to existing structures only, and does not propose any development; therefore, there are no impacts identified.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:
a) The proposed text amendment will not physically divide an established community, as the text amendment will apply to existing structures located in an urbanized area.
b) The proposed text amendment will not conflict with any applicable land use plan or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect. The proposed text amendment would create additional opportunities for existing structures in all zones, at the discretion of the Planning Commission.
c) There is no habitat conservation plan or natural community conservation plan, which applies to the subject sites, therefore, there will be no conflict with such a plan.

X MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:
a-b) The proposed text amendment will not have an impact on the mineral resources of the City. The proposed text amendment does not propose changes that would result in a loss of availability of a known mineral resource as identified in the “Mineral Resources” Map in the Lompoc General Plan, adopted October 1997, because no development is proposed, and the text amendment applies only to existing structures.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:
a-d) Implementation of the proposed text amendment will not have an adverse impact on noise conditions. Future projects will be reviewed individually to ensure that they will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or expose persons to excessive ground borne noise levels.
e-f) The subject site(s) are unknown at this time. Staff will review each project and in the event a project site is located within an airport land use plan or within the vicinity of a private airstrip, appropriate measures will be taken.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments
a-c) Implementation of the proposed text amendment will not induce substantial growth. The proposed text amendment will not displace substantial numbers of existing housing units, as the text amendment is proposed for existing structures and will not apply to residential development. Implementation of the proposed text amendment will not expand the availability of electrical, water or wastewater service beyond the existing service area, because no development is proposed, and therefore, will not induce significant growth. No homes will be removed, there will be no net loss of residential units, and no people will be displaced due to this action, because no development is proposed.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:
a-f) Implementation of the proposed text amendment will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services, because the proposed sites will be located within an urbanized area which is already adequately served by City services. No future development will be proposed, as the text amendment applies to existing structures only.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments
a-b) Implementation of the proposed text amendment should have no effect on the use of existing neighborhood and regional parks or other recreational facilities, as the action applies to existing structures and no future development will be proposed.

XV. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments
a-g) The proposed text amendment will not have an adverse impact on the operation of streets or area traffic levels. The proposed text amendment will not impact air traffic patterns, nor will it propose changes that would impact emergency access. The proposed action does not create any adverse impacts on traffic/circulation, as the action will apply only to existing structures and no development will be proposed.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:
a-c) The proposed text amendment will apply to existing structures and will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board, nor will the text amendment require the construction of new water, wastewater, or storm water facilities, the construction of which could cause significant environmental effects.
d-g) The Text Amendment applies to existing structures which are located within the City of Lompoc city limits, and the City has sufficient resources to service the sites with water, wastewater, and solid waste services. No development is currently proposed and each project will be evaluated as they are submitted.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE Does the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DETERMINATION: On the basis of this initial evaluation:	
X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lucille T. Breese, AICP Date
City Planner

CITY OF LOMPOC
NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act, as amended to date, a Negative Declaration is hereby made on the following project:

Title: Text Amendment – TA 06-03

Location: Citywide

Description: Planning Commission consideration of a Text Amendment to the City's Zoning Ordinance to amend Chapter 5, Section 8862 -- Non-Conforming Structures. The proposed Text Amendment will provide flexibility by allowing the Planning Commission to individually consider requests for Conditional Use Permits to allow deviation of certain development standards for existing uses where a previously developed property is being expanded and improved within the allowed zoning. 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).

The Planning Division of the City of Lompoc has determined that:

_X_ There are no significant adverse environmental impacts created by this project.

____ There are no significant adverse environmental impacts associated with this project if the following conditions/mitigation measures are met.

May 15, 2006
Date

Lucille T. Breese, AICP, City Planner
for Planning Division