

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** SEPTEMBER 11, 2006  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** LUCILLE T. BREESE, AICP, CITY PLANNER  
**RE:** CONDITIONAL USE PERMIT – CUP 06-06

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**AGENDA ITEM NO. 6**

A request by John Anton of Anton and Associate, representing Joe Barto, for Planning Commission consideration of a proposal for a Conditional Use Permit to allow adjustment of the front yard setback in conjunction with development of a site which contains existing structures and fences. The property is located at 300 North G Street in the *Commercial Manufacturing (CM)* Zoning District (Assessor Parcel Number: 85-022-02). A Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

**PROPOSAL:**

The applicant is requesting approval of Conditional Use Permit – CUP 06-06, to allow deviation from the required front yard setback along the Chestnut Street frontage of the project.

**AUTHORITY:**

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (LCC Section 8882 d). Section 8862 3 Modifying Non-Conforming Structures and Developed Properties has been amended to allow a CUP when the following specific findings can be made:

- A. *Strict conformance with the Zoning Ordinance would preclude viable expansion or redevelopment of the site;*
- B. *Strict conformance with the Zoning Ordinance would result in disorderly or illogical transition(s) between existing and expanded areas of the site; and*
- C. *Deviation from Zoning Ordinance regulations would not jeopardize the public health, safety, and welfare, and would produce a quality built environment.*

## **BACKGROUND:**

May 9, 2005 - Planning Commission adopted Resolution No 413 (05) approving a proposed remodel and addition to an existing office building and warehouse operation at 300 North G Street.

June 21, 2005 – City Council heard an appeal of a Condition of Approval relating to the barbed wire fencing on the project. During the appeal hearing, there was discussion regarding the setback requirement in the Zoning Ordinance. Council directed staff to draft language for the Zoning Ordinance allowing the Planning Commission to consider a Conditional Use Permit for to allow flexibility in development standards for existing facilities.

June 12, 2006 – Planning Commission reviewed Text Amendment TA 06-03 amending the Zoning Ordinance to allow consideration of a Conditional Use Permit for existing uses where a previously developed property is being expanded and improved within the allowed zoning. The Commission recommended approval of the Text Amendment.

July 18, 2006 – Council introduced Ordinance 1528 (06) amending the City Zoning Ordinance as recommended by the Planning Commission. The Ordinance was adopted on August 1 and became effective on September 1, 2006.

July 20, 2006 – Mr. Barto submitted an application for CUP 06-06 to allow deviation from the front yard setback requirement for a portion of the development at 300 North G Street.

## **ANALYSIS:**

The Zoning Ordinance requires a setback along a portion of the project frontage on Chestnut Avenue. The southeast portion of the property is adjacent to a *Medium Density Residential Zoning District (R-2)* across Chestnut Avenue to the south. Zoning Ordinance Section 8304.4 Yards states:

*None except when adjacent to an “R” zone, then a yard of ten (10) feet shall be provided...*

It further states that the ten (10) foot yard shall be landscaped and maintained, and no storage, loading or parking shall be permitted within said required yard. Development Plan DR 04-12 was approved by the Planning Commission on May 9, 2005 and included the requirement for this setback. Since that time, the Council has adopted a Text Amendment – TA 06-03 allowing the Planning Commission to consider a Conditional Use Permit (CUP) when an existing facility is being upgraded and expanded. The CUP can be granted to allow a deviation from the strict adherence to the Zoning Ordinance requirements



Engineering Division – advised that the approved Improvement Plans must be revised by the project engineer (CUP COA EN1).

Building/Fire Safety – no additional conditions.

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COA included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

The DRB recommends approval of CUP 06-06 subject to the attached Conditions of Approval.

#### **ENVIRONMENTAL DETERMINATION:**

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA). No significant impacts were identified and a Mitigated Negative Declaration has been prepared for Commission review and recommendation to the City Council for approval. A Notice of Determination will be filed following the City Council action as required by CEQA.

#### **NOTICING:**

On September 1, 2006:

- 1) Notice of the Public Hearing was published in the Lompoc Record
- 2) Notices were mailed to property owners within 300 feet by US mail; and
- 2) The project site was posted by City staff.

#### **APPEAL RIGHTS:**

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form, the fee is \$36.70.

**RECOMMENDATION:**

It is recommended that the Planning Commission:

1. **Certify the Mitigated Negative Declaration;**
2. **Adopt Resolution No. 520 (06) approving CUP 06-06, a Conditional Use Permit to allow deviation from the Development Standards in Section of the Zoning Ordinance, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.**

**ATTACHMENTS:**

1. [Draft Resolution No. 520 \(06\) and Conditions of Approval](#)
2. [Initial Study and Mitigated Negative Declaration](#)
3. Site Plan, Floor Plans, Elevations, and Vesting Tentative Subdivision Map  
(PC only with staff report, documents available for review in Planning Division)

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

**RESOLUTION NO. 520 (06)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A CONDITIONAL USE PERMIT TO MODIFICATION TO DEVELOPMENT STANDARDS FOR AN EXISTING FACILITY AT 300 NORTH G STREET (CUP 06-06)**

**WHEREAS**, a request was submitted by John Anton of Anton and Associate, representing Joe Barto, for Planning Commission consideration of a proposal for a Conditional Use Permit to allow adjustment of the front yard setback in conjunction with development of a site which contains existing structures and fences. The property is located at 300 North G Street in the *Commercial Manufacturing (CM)* Zoning District (Assessor Parcel Number: 85-022-02); and

**WHEREAS**, the matter was considered by the Planning Commission a duly-noticed public meeting on September 11, 2006; and

**WHEREAS**, at the meeting of September 11, 2006, \_\_\_\_\_ was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of September 11, 2006, \_\_\_\_\_ spoke in favor of, or in opposition to, the proposal.

**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 Conditional Use Permit may be granted to allow the proposed adjustment to the front yard setback required by the Zoning Ordinance, the project meets the requirements of the Lompoc City Code Section 8862 – Non-Conforming Structures and Developed Properties and is consistent with the applicable policies and development standards, therefore it can be found that:

- A. Strict conformance with the Zoning Ordinance would preclude viable expansion or redevelopment of the site;
- B. Strict conformance with the Zoning Ordinance would result in disorderly or illogical transition(s) between existing and expanded areas of the site; and
- C. Deviation from Zoning Ordinance regulations would not jeopardize the public health, safety, and welfare, and would produce a quality built environment.

**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 proposal show no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:

- D. The proposed use, as conditioned, does not have a significant effect on the environment; and
- E. Any effect of the proposed use upon fish and wildlife is de minimis and therefore no filing fee is required pursuant to the Fish and Game Code Section 711.4.

**SECTION 3.** Based upon the foregoing CUP 06-06 is approved as proposed on September 11, 2006, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing Resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the regular Planning Commission meeting of September 11, 2006 by the following vote:

**AYES:** Commissioner

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Jack Rodenhi, Chair

Attachment: Exhibit A - Conditions of Approval

**CONDITIONS OF APPROVAL  
CUP 06-05 – J.R.Barto  
300 North G Street – APN: 85-022-02**

The following Conditions of Approval apply to the plans for CUP 06-06, received by the Planning Division and date stamped on July 20, 2006, and reviewed by the Planning Commission on September 11, 2006.

**I. PLANNING**

**Planning - General Conditions**

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 8900, 8935, and 8936 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 0107 and 0128 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief to specifically enforce the Conditions of Approval. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the City Planner and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.

- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage.
- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

- P9. The Conditions of Approval herein contained are in addition to those imposed by the Planning Commission with Resolution No. 413 (05) approving the Development Plan at 300 North G Street.

### **Planning – Conditional Use Permit Conditions**

- P10. The right to use an occupancy permit shall be contingent upon the fulfillment of any general and special conditions imposed by the conditional use permit procedure.
- P11. All of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns and a covenant to the effect may be required.
- P12. All of the conditions shall be consented to in writing by the applicant.

- P13. The resolution granting the application, together with all consent forms and a description of the property shall be recorded by the Recorder of the County of Santa Barbara prior to start of operation of the market.
- P14. The use permit granted is conditioned upon the rights or privileges acquired thereby being utilized within one year after the effective date of approval, and should the rights or privileges authorized hereby fail to be executed or utilized within said year, or when a building permit has not been issued within said year, or when some form of work is involved which has not actually commenced within said year, or if so commenced, is null and void; unless such permit has not been utilized or such construction work started or completed within such one year period by reason of delays caused by the City in approving plans, in which event the Community Development Director shall grant and record a commensurate extension. The Planning Commission may, at its discretion, and with the consent or upon request of the permittee, for any cause, grant a reasonable extension of time in addition to the one (1) year period hereinabove provided. Such a request for extension shall have been filed with the Secretary of the Planning Commission fifteen (15) days prior to the expiration of the one (1) year.
- P15. This Conditional Use Permit may be reviewed and reconsidered by the Planning Commission at any time for the purpose of imposing new conditions to mitigate a nuisance or to revoke the permit to abate a nuisance.

**Planning - Site Plan Conditions**

- P16. The applicant shall submit a lighting plan which incorporates the following:
- a. All lighting shall be shielded to prevent glare and minimize light intrusion to adjacent properties. The adequacy and design of the on-site lighting and shielding shall be reviewed by staff at plan check. The plan shall provide specifics for external light fixtures both on and off the building, external illuminated signage, and any lighting fixtures at ground level.

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**II. BUILDING AND FIRE SAFETY- No Additional Conditions of Approval**

**III. ENGINEERING**

**Engineering – Project Specific Conditions**

- EN1. The approved Improvement Plans on file in the City Engineer’s office shall be amended to show applicable changes resulting from the adjustments of the setback at Building C, parking lot revisions, and additional work within the public street right-of-way. The Civil Engineer (the Engineer) who prepared the plans shall amend the Improvement Plans.

The Engineer will submit to the Engineering Division two (2) marked copies of the

approved Improvement plans showing revisions. Work on revisions can only begin after Engineering Division approval.

The Improvement Plans can be amended after the project is completed and at the time the Engineer prepares record drawings per Resolution No. 413 (05) COA EN 35.

**CITY OF LOMPOC  
ENVIRONMENTAL CHECKLIST FORM**

**A. PROJECT INFORMATION:**

<b>Project Title:</b> Conditional Use Permit	<b>Project No:</b> CUP 06-06
<b>Lead Agency Name and Address:</b> City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	<b>Contact Person and Phone Number:</b> Lucille T. Breese, AICP, City Planner (805) 875-8273
<b>PROJECT DESCRIPTION / LOCATION:</b>  A request by John Anton, representing Joseph R. Barto, for Planning Commission consideration of a proposal for a Conditional Use Permit to allow adjustment of the front yard setback in conjunction with development of a site which contains existing structures and fences. The property is located at 300 North G Street (APN 85-022-02) in the Commercial Manufacturing (CM) Zoning District.	
<b>Public Agencies with Approval Authority</b> (Including permits, funding, or participation agreements): City of Lompoc,.	
<b>Project Applicant, Name and Address:</b> Joseph R. Barto P.O. Box 662 Lompoc CA 93438	<b>Project Consultant:</b> John Anton, Architect Anton and Associate 115 East College Avenue Lompoc CA 93436
<b>General Plan Designation:</b> Light Industrial	<b>City Zoning Designation:</b> Commercial Manufacturing CM
<b>Surrounding Land Use Designation:</b>  North – Light Industrial South – Mixed Use/Medium Density Residential East - Light Industrial West - Mixed Use	<b>Surrounding Land Uses:</b>  North – Industrial South – Church/Residential East - Public Facility West - Commercial
<b>Environmental Setting:</b> Existing urbanized area.	
<b>ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:</b> 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.	
<input type="checkbox"/> Aesthetics <input type="checkbox"/> Agriculture Resources <input type="checkbox"/> Air Quality <input type="checkbox"/> Biological Resources <input type="checkbox"/> Cultural Resources <input type="checkbox"/> Geology / Soils <input type="checkbox"/> Hazards & Hazardous Materials <input type="checkbox"/> Hydrology / Water Quality <input type="checkbox"/> Land Use / Planning <input type="checkbox"/> Mineral Resources <input type="checkbox"/> Noise <input type="checkbox"/> Population / Housing <input type="checkbox"/> Public Services <input type="checkbox"/> Recreation <input type="checkbox"/> Transportation / Traffic <input type="checkbox"/> Utilities / Service Systems <input type="checkbox"/> Mandatory Findings of Significance	



**B. ENVIRONMENTAL IMPACTS:**

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

<b>I. AESTHETICS</b> 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) The proposed adjustment of the front yard setback will not have a substantial adverse impact on a scenic vista as there is no scenic vista in the immediate area identified in the City of Lompoc Urban Design Features Map in the Urban Design Element of City's General Plan, adopted in October of 1997.
- b) The proposed adjustment of the front yard setback will not substantially damage scenic resources within a state scenic highway, as it is not located adjacent to a state scenic highway.
- c) The proposed adjustment of the front yard setback will include a landscaped area adjacent to the sidewalk and therefore will not degrade the existing visual character or quality of the site and its surroundings.
- d) The proposed adjustment of the front yard setback will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

<b>II. AGRICULTURAL RESOURCES</b> 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) The proposed adjustment of the front yard setback will not 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 as the site is within the existing City limits, the site has not recently been utilized for farming, and the site is surrounded by existing development.
- b) The proposed adjustment of the front yard setback will not conflict with existing zoning for agricultural use, or a Williamson Act contract as the size of the parcel is too small (less than 20 acres) for a Williamson Act contract to be implemented.
- c) The proposed adjustment of the front yard setback will not involve changes in the existing environment, which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The site has not been recently utilized for agricultural use.

<b>III AIR QUALITY</b> 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-d) The proposed adjustment of the front yard setback will not conflict with or obstruct implementation of the applicable air quality plan, or violate any air quality standard or contribute substantially to an existing or projected air quality violation. The market will utilize an existing building and therefore, no construction will take place that will violate any air quality standard.
- e) Adjustment of the front yard setback will not create any objectionable odors affecting a substantial number of people.

<b>IV. BIOLOGICAL RESOURCES</b> 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				X

local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
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
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-d) The proposed adjustment of the front yard setback 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 project is in an urbanized area and is not identified in the Lompoc General Plan as being in an area of biological significance.

e) The site is not identified on the "Biologically Significant Areas" Map located in the City of Lompoc General Plan adopted October 1997.

f) The use is proposed on property 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 the market.

<b>V. CULTURAL RESOURCES</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 adjustment of the front yard setback 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 site is not identified in the City of Lompoc Cultural Resource Study as having a historical or archaeological resource on the site.

c) The proposed adjustment of the front yard setback will not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997.

d) The proposed adjustment of the front yard setback not disturb any human remains, including those interred outside of formal cemeteries. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997.

<b>VI. GEOLOGY AND SOILS</b> 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) The site is not identified on the City of Lompoc General Plan "Geologic and Soils Hazards" Map as being located in an area subject to liquefaction, landslides, or seismic activity, therefore, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

b-e) Based upon the 1987 study by the Morro Group, "City of Lompoc Seismic and Geologic Conditions Study", the area is not subject to unusual geologic activity nor does it have unique features.

<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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-c) The proposed adjustment of the front yard setback will not create a significant hazard to the public or the environment as hazardous materials will not be used, transported, or disposed of on the site.

d) The proposed adjustment of the front yard setback will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment, based on a check of the lists prepared by the Certified Unified Program Agency of unauthorized releases and fuel tank locations.

e-f) The proposed adjustment of the front yard setback is not located within the Lompoc Municipal Airport land use plan. It is not located within the vicinity of a private airstrip, based on a review of the Lompoc Airport Master Plan and the Lompoc General Plan.

g) The proposed adjustment of the front yard setback will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project will not involve the installation of permanent barriers to travel.

h) The proposed adjustment of the front yard setback will not 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, because the proposed site is located in the urbanized area of the City of Lompoc.

<b>VIII. HYDROLOGY AND WATER QUALITY</b> 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-e) The proposed adjustment of the front yard setback will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the site or area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed adjustment of the front yard setback will not otherwise substantially degrade water quality. There are no rivers or creeks within the project area.

g) The proposed adjustment of the front yard setback is located in Zone X of Community Panel No. 060334-0003D, revised 05 June 97 outside the 500-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) The proposed adjustment of the front yard setback will not 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.

i-j) The proposed adjustment of the front yard setback will not create a threat of inundation by seiche, tsunami, or mudflow. The subject site is located approximately 8 miles from the ocean, so tsunamis are very unlikely. The site is also not located near a water body or a significant slope or volcano, so mudflows and seiches are very unlikely.

<b>IX. LAND USE AND PLANNING</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Would the project:				
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 adjustment of the front yard setback will not physically divide an established community as the project site is in an existing building.

b) The proposed adjustment of the front yard setback will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, as the proposed use is consistent with the City General Plan and Zoning Ordinance. A Conditional Use Permit is required for the adjustment of standards when is necessary for logical development of a site containing existing structures to assure that any adjustment of standards will be compatible with surrounding properties. The City Planning Commission will review the plans to assure conformance with the City's Zoning Ordinance.

c) There is not a habitat conservation plan or natural community conservation plan, which applies to the site, therefore, there will be no conflict with such a plan.

<b>X MINERAL RESOURCES</b> 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 adjustment of the front yard setback will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the "Mineral Resources" Map in the Lompoc General Plan, adopted October 1997, does not identify the project area as being a locally important mineral resource recovery site.

<b>XI. NOISE</b> 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?				
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-b) The proposed adjustment of the front yard setback will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, nor will it expose persons to excessive ground borne noise levels  
 c) The proposed adjustment of the front yard setback will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.  
 d) The proposed adjustment of the front yard setback will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.  
 e-f) The proposed adjustment of the front yard setback is not located within an airport land use plan or within the vicinity of a private air strip.

<b>XII. POPULATION AND HOUSING</b> 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) The proposed adjustment of the front yard setback will not induce substantial population growth, directly or indirectly, or displace substantial numbers of existing housing or people. The proposed adjustment of the front yard setback will not expand the availability of electrical, water or wastewater service beyond the existing service area and therefore, will not induce growth.

<b>XIII. PUBLIC SERVICES</b> 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) The proposed adjustment of the front yard setback 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 project is currently within an existing facility which is already adequately served by City services. The City has sufficient resources to provide required services.

<b>XIV. RECREATION</b> 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) The proposed adjustment of the front yard setback should have no effect on the use of existing neighborhood and regional parks or other recreational facilities, as the project will not significantly increase the number of individuals frequenting existing parks or other recreational facilities in the area.
- b) The proposed adjustment of the front yard setback does not include the construction of recreational facilities.

<b>XV. TRANSPORTATION/CIRCULATION</b> 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) The proposed adjustment of the front yard setback will not cause a substantial increase in traffic. The adjustment is proposed on property with an existing industrial use.
- b) The proposed adjustment of the front yard setback will not create conditions which will exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways, because the proposed adjustment is proposed on property with an existing industrial use.

- c) The proposed adjustment of the front yard setback will not 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 because the proposed market is located approximately one mile from the Lompoc Airport and eight miles from the Vandenberg Air Force Base Airfield.
- d) The proposed adjustment of the front yard setback will not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment) as it is located on an infill parcel which is adequately served by existing roadways.
- e-f) The proposed adjustment of the front yard setback will not result in inadequate emergency access or parking capacity, as the project will not result in blocked roadways and on site parking will be provided.
- g) The proposed adjustment of the front yard setback will not conflict with policies, plans or programs which support alternative transportation, including buses and bicycles, as the project will not result in blocked roadways, bikeways or reduced parking.

<b>XVI. UTILITIES AND SERVICE SYSTEMS</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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
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) The proposed adjustment of the front yard setback will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board because it is associated with an existing industrial development.
- b-c) The proposed adjustment of the front yard will not require the construction of new water or wastewater treatment facilities, or expansion of existing facilities because it is located within an existing building.
- d-e) The project site is located within the City of Lompoc City limits. The project site was studied as part of the General Plan EIR update in October 1997 as a developed site, and the City has sufficient resources to service the existing site with water and wastewater facilities.
- f-g) The City of Lompoc landfill has sufficient capacity to service the proposed use. The project will conform to regulations regarding solid waste.

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b> 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

<b>DETERMINATION:</b> 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.



# CITY OF LOMPOC

## 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:** CUP 06-04

**Location:** 300 North G Street (APN 85-022-02)

**Description:** A request by John Anton, representing Joseph R. Barto, for Planning Commission consideration of a proposal for a Conditional Use Permit to allow adjustment of the front yard setback in conjunction with development of a site which contains existing structures and fences. The property is located in the Commercial Manufacturing (CM) Zoning District.

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

- 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.

8.18.06  
Date

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