

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: June 11, 2014

TO: Members of the Planning Commission

FROM: Lucille T. Breese, AICP, Planning Manager
Michael Luther, City Engineer/
Assistant Public Works Director

RE: **Request For Alternative Mitigation, Amendment No. 2 to Burton Ranch Specific Plan, and Review of Addendum to the Final Environmental Impact Report (EIR) For the Burton Ranch Specific Plan (Planning Division File No. FEIR 02-01 /SP 04-01)**

AGENDA ITEM NO. 2

Continued from May 14, 2014 meeting

A request by Michael Towbes, representing Harris Grade Partners, L.P.; Patrick J. McCarthy and Bridget M. McCarthy; Donald M. Jensen and Lynn D. Gray; Lompoc Ranch Joint Venture; Joe A. Signorelli, Jr.; Adam Peter Signorelli; Gus Thomas Signorelli; and The Towbes Group, Inc. for Planning Commission consideration of an alternative mitigation for Mitigation Measure TRANS 1.2c. adopted with the Final Environmental Impact Report (FEIR 02-01) prepared and certified for the Burton Ranch Specific Plan (BRSP) area and Amendment No. 2 to the BRSP. The project site is located at the intersection of State Highway Route 1, Purisima Road, and Harris Grade Road.

The Planning Commission will make a recommendation to the City Council based on newly updated traffic information. An Addendum to FEIR 02-01, pursuant to the requirements of the California Environmental Quality Act (CEQA) has been prepared and will be considered. (Assessor Parcel No. 97-250-002, -005, -040,-050, -051, -062, and -069).

Scope Of Review:

The Planning Commission is being asked to consider:

- If there is adequate information to make a recommendation for alternative mitigation for Mitigation Measure (MM) TRANS 1.2c;
- If the BRSP Amendment No. 2 should be recommended;
- If the environmental Addendum is consistent with the approved BRSP, the City of Lompoc 2030 General Plan, and CEQA requirements; and,
- If the required Findings of Fact can be made.

Recommendation:

Staff recommends that the Planning Commission:

- Hold the Public Hearing and consider the material presented in the staff report; and
- Adopt Resolution No 771(14) recommending City Council:
 - accept the attached draft Addendum to the BRSP EIR 02-01;
 - accept the proposed alternative MM and amend the Conditions of Approval for the BRSP; and
 - adopt Amendment No. 2 to the BRSP.

Site Data:

1. Property Owners Harris Grade Partners, L.P.; Patrick J. McCarthy and Bridget M. McCarthy; Donald M. Jensen and Lynn D. Gray; Lompoc Ranch Joint Venture; Joe A. Signorelli, Jr.; Adam Peter Signorelli; Gus Thomas Signorelli; and The Towbes Group, Inc.
2. Site Location Harris Grade at Highway 1
3. Assessor Parcel Numbers..... 97-250-002, -005, -040, -050, -051, -062, and -069
4. Site Zoning..... Specific Plan (SP)
5. General Plan Designation Low Density Residential (LDR) - 4.6 units per acre
6. Site Use Vacant
7. Surrounding Uses/Zoning North: Burton Mesa Ecological Reserve (SBCO)
South: La Purisima Highlands (City of Lompoc)
East: Church, single family residential, vacant (SBCO)
West: Alan Hancock College campus, Ken Adam Park (City of Lompoc)
8. Project Area Approx. 143 acres of 150 acre Specific Plan Area

Background:

Previous Planning Division File Numbers:

- EIR 02-01 - Revised Final Environmental Impact Report Revised (FEIR)
- GP 02-01 – General Plan Amendment

- ZC 02-01 – Pre-zoning Request
- Annexation No. 70 – Request for Annexation
- SP 04-01 – Burton Ranch Specific Plan
- DR 05-35 – Development and Annexation Agreement
- DR 07-02 – Development Plan Review/Architectural Review
- LOM 567 – Tentative Subdivision Map – Jensen 55 residential units
- DR 07-01 – A Development Plan/Architectural Review
- LOM 570 – Tentative Subdivision Map – Towbes 210 residential units

Dec 12, 2005: Planning Commission recommended City Council certification of FEIR, approval of Specific Plan, Annexation request, General Plan Amendment, Zoning, and Development Agreement for the Burton Ranch Specific Plan Area

Feb 7, 2006: City Council certified the Revised Final Environmental Impact Report (Revised FEIR 02-01 – SCH No. 2002091045) and adopted the Burton Ranch Specific Plan (SP 04-01)

May 31, 2007: Effective date of Annexation to the City of Lompoc

May 6, 2014: City Council approved a Time Extension Request for the Burton Ranch Specific Plan (BRSP) Area Development Agreement (Planning Division File No. SP 04-01/DR 05-35)

The Burton Ranch Specific Plan:

The Burton Ranch Specific Plan (BRSP) was adopted by the City Council in February 2006. Amendment No. 1 was approved in September 2007. The BRSP was deemed consistent with the City General Plan when it was adopted as required by State Law. Where the BRSP is contrary to the Zoning Ordinance, Subdivision Ordinance or other Development Standards, the BRSP regulations govern development in the Plan Area.

The Burton Ranch Specific Plan consists of eleven separate assessor's parcels that are owned by eight (8) individual landowners. The eleven parcels comprise approximately 149-acres located within the City of Lompoc, situated between State Highway 1 to the west and south, Harris Grade Road to the east, and the Burton Mesa Ecological Preserve to the north. The ownership and acreage of each assessor's parcel in the Specific Plan area is provided in the table below. The term "Plan Unit" is used in the Revised FEIR to characterize the assessor parcels that are owned by each landowner.

<i>Plan Unit</i>	Property Owner	<i>Assessor Parcel Number</i>	<i>Acreage</i>	<i>Percent of Total Acreage</i>
1	Harris Grade Partners, L.P. 330 E. Canon Perdido St., Ste. F Santa Barbara, CA 93101-7229	97-250-040	32.2	21.4
2	Lompoc Ranch Joint Venture, et al. c/o The Towbes Group, Inc. 21 E. Victoria St., Ste. 200 Santa Barbara, CA 93101	97-250-005	23.61	67.5
		97-250-050	2.56	
		97-250-051	33.11	
		97-250-062	41.01	
3	Earl Howell 3001 Harris Grade Road Lompoc, CA 93436	97-250-013	0.70	0.5
4	Nodlew, Inc. P.O. Box 366 Santa Maria, CA 93456	97-250-039	0.85	0.6
5	Clarence and Janet Smith 247 Kingston Hill Way Los Gatos, CA 95032	97-250-006	2.06	1.4
6	Patrick McCarthy	97-250-069	2.49	1.7
7	Gilbert Herrera, Gilbert De Lamora, Edwin Davis Trustees for Lompoc Congregation of Jehovah's Witnesses 412 South H Street Lompoc, CA 93436	97-250-070	1.49	1.0
8	Patrick McCarthy	97-250-002	8.9	5.9
Total			148.98	100%

The BRSP allows a total of 476-residential units comprised of Single Family Residential and Multi-Family Residential units. The type of product marketed is left to the developer to propose.

The Specific Plan included residential, recreational, open space, and educational land uses. In 2005, the Lompoc Unified School District notified the City that the District Board had voted not to pursue the acquisition of the school site property in Land Use Area 5, allowing the area to be utilized for residential use as noted in the BRSP.

Discussion:

Proposed Alternative Mitigation Measure

A Final Revised Environmental Impact Report (EIR 02-01) for the BRSP (SCH # 2002091045) was prepared by Science Applications International Corporation (SAIC) in September 2005. The City Council adopted Resolution No. 5299 (06) certifying FEIR 02-01, making the required California Environmental Quality Act (CEQA) findings of fact and making the necessary statement of overriding considerations on February 7, 2006. The document was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

The purpose of the EIR was to evaluate the BRSP and identify potential environmental impacts and establish Mitigation Measures which were incorporated into the project approval as Conditions of Approval. The BRSP was adopted by Council Resolution No. 1519 (06), March 7, 2006.

The Final EIR required several mitigation measures that were incorporated into the adopted BRSP. To reduce potentially significant traffic impacts on the intersection of State Route 1/Harris Grade Road, Mitigation Measure TRANS 1.2c required the implementation of a second southbound lane on Harris Grade Road/H Street. Mitigation Measures were based upon information from a traffic study prepared by Penfield & Smith and utilized 1997 Circulation Element traffic study information.

Mitigation Measure TRANS-1.2c (Harris Grade Road and Purisma Road Intersection Improvements) states,

"The applicant shall construct improvements that modify the southbound approach and exit lanes at the Harris Grade Road/Purisma Road intersection to provide two through lanes extending south of the intersection far enough to facilitate merging without creating congestion. The new southbound lane shall be 12-foot wide, consistent with Caltrans' Highway Design Manual (HDM) standards. The proposed taper that would gradually merge with traffic traveling south on State Highway 1 shall be extended, consistent with Caltrans specifications. A Caltrans Encroachment Permit shall be obtained for this work. All work completed in the State Highway 1 right-of-way shall be done to Caltrans engineering and environmental standards, and at no cost to the State. The applicant shall apply for an Encroachment Permit with the County of Santa Barbara for all work proposed within the County right-of-way along Harris Grade".

During the course of the environmental review to update the 2030 General Plan Land Use and Circulation Elements, a more refined traffic model was developed to determine future impacts of circulation within the City of Lompoc. The refined traffic model indicated that Mitigation Measure TRANS-1.2c was not necessary to maintain an acceptable level of service for the Harris Grade Road/Purisma Road intersection. In addition based upon the design and cost of the improvement, Caltrans determined improvements at the intersection could not be approved with an encroachment permit (letter dated June 2010). A separate, supplemental technical analysis, provided by Penfield & Smith (March 2014), found that implementation of a second southbound lane on Harris Grade Road/H Street was not necessary to achieve an acceptable level of service at this intersection in accordance with City standards.

Under Goal 1 of the recently adopted Circulation Element (December 2013), of the 2030 General Plan, LOS C is an acceptable level of service. Policy 1.2 states,

"The City shall maintain intersection traffic levels of service (LOS) at LOS C or better throughout the City, with the exception of intersections monitored in accordance with the Congestion Management Program (CMP) administered by the Santa Barbara County Association of

Governments (SBCAG). CMP intersections shall maintain a LOS in accordance with the most recent CMP standards (at LOS D or better), when it can be demonstrated that all feasible mitigation measures have been applied to the project and LOS C, with said mitigation, cannot be achieved."

Based upon the new information provided by Penfield and Smith, an addendum to the Final EIR has been prepared by Rincon Consultants dated April 2014 (see Resolution No. 771 (14)) which provides an alternate Mitigation Measure for Mitigation Measure TRANS-1.2c of equivalent effectiveness that involves restriping of the northbound approach and traffic signal improvements.

Based upon the above noted information, the FEIR MM may be recommended for a change in this one instance. A Condition of Approval will be included in the Resolution that states changes to the Mitigation Measure TRANS 1.2c are based on the draft Addendum and such changes are not intended to set a precedent for how environmental analysis of potential future requests to the project will be handled.

Updating the Burton Ranch Specific Plan

In light of the proposal to replace Mitigation Measure TRANS-1.2c with an Alternative Mitigation Measure, the BRSP would also need to be updated to reflect the proposed changes. Changes pertaining to TRANS-1.2c would be made to Table 2 – Infrastructure Timing Schedule within Section VII, The Infrastructure Plan, and Section XI, Mitigation Measures.

Proposed Alternative Language

The following alternative language will be recommended to City Council for adoption and the Specific Plan will be amended to reflect the revised language.

Section VII: The Infrastructure Plan; Table 2 – Infrastructure Timing Schedule within (page 54 of the BRSP)

Existing Language	Proposed Revised Language
<p>Modify southbound approach and exit lanes to provide two through lanes extending south of the intersection far enough to facilitate merging.</p> <p>Add southbound through lane to Harris Grade Road.</p> <p>Extend Highway taper to gradually merge with southbound traffic.</p>	<p>Restripe the northbound approach (dual left-turn lanes, one through lane and a right-turn lane).</p> <p>Provide traffic signal improvements to change the existing split phasing to protected left-turn phasing on the northbound and southbound approaches and to protected-permissive left-turn phasing on the eastbound and westbound approaches.</p>

	<p>Caltrans Encroachment Permit to be received prior to approval of Final Map and Public Improvement Plan.</p> <p>County of Santa Barbara Encroachment Permit shall be applied for all work within the County right-of-way along Harris Grade Road prior to map recordation.</p>
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Section XI: Mitigation Measures (page 142 of the BRSP)

Existing Language	Proposed Revised Language
<p>TRANS- 1.2c The applicant shall construct improvements that modify the southbound approach and exit lanes at the Harris Grade Road/Purisima Road intersection to provide two through lanes extending south of the intersection far enough to facilitate merging without creating congestion. The new southbound lane shall be 12 feet wide, consistent with HDM standards. The proposed taper that would gradually merge with traffic traveling south on State Highway 1 shall be extended, consistent with Caltrans specifications.</p>	<p>TRANS- 1.2c The applicant shall construct the following improvements at the State Route 1/Harris Grade Road intersection prior to project occupancy:</p> <ul style="list-style-type: none"> • Restripe the northbound approach (dual left-turn lanes, one through lane and a right-turn lane). • Provide traffic signal improvements to change the existing split phasing to protected left-turn phasing on the northbound and southbound approaches and to protected-permissive left-turn phasing on the eastbound and westbound approaches in conformance with the future operation assumed in the 2030 General Plan Update EIR. • A Caltrans Encroachment Permit shall be obtained for this work. All work completed in the State Highway 1 right-of-way shall be done to Caltrans engineering and environmental standards, and at no cost to the State. • The applicant shall apply for an Encroachment Permit with the County of Santa Barbara for all work proposed within the County right-of-way along Harris Grade Road.

Conformance with CEQA Guidelines:

In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 for the preparation of a subsequent EIR have occurred. The conditions described in Section 15162 include the following:

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

An Addendum has been prepared by Rincon Consultants, dated April 2014 which identifies the requested substitution of Mitigation Measure TRANS-1.2c within the adopted Final EIR. Since the requested action will not result in new significant environmental effects, as evidenced by the technical studies provided, it was determined an Addendum would be the appropriate environmental document to prepare pursuant to the CEQA requirements.

Allowing this requested change to be addressed by an Addendum is a unique circumstance based on the Caltrans analysis and 2030 General Plan information. Any additional requests to review Mitigation Measures would require additional environmental review and re-consideration of the FEIR.

Staff Review:

Engineering and Planning Staff, the Assistant City Attorney, and staff from Rincon Consultants have been working with the applicant for a significant period of time to bring this request from The Towbes Group, representing the property owners, forward for consideration.

Noticing:

On May 30, 2014:


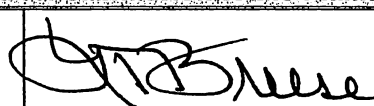
- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet by US mail;
- 3) Notice was placed on the City website; and
- 4) The project site was posted by City staff.

Appeal Rights:

Any person has the right to appeal the Planning Commission action to the City Council within ten (10) calendar days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80. When the Planning Commission is making a recommendation to the City Council no appeal is necessary.

Attachments:

- 1) Draft Resolution No. 771 (14) including Conditions of Approval and Addendum (which contains the Traffic Information update prepared by Penfield & Smith, dated March 2014 and the Caltrans Letter, dated June 2010).

Staff Report has been reviewed and approved for submission to the Planning Commission			
			
Teresa Gallavan	6/3/14	Lucille T. Breese, AICP	June 3 2014
Economic Development Director / Assistant City Administrator	Date	Planning Manager	Date