

CITY OF LOMPOC PLANNING COMMISSION STAFF REPORT



MEETING DATE: August 2, 2004

TO: Members Of The Planning Commission

FROM: Arleen T. Pelster, AICP
Community Development Director

Lucille T. Breese, AICP, City Planner

RE: Seabreeze Estates Residential Project

AGENDA ITEM NO. 1

A request by DS Ventures for Planning Commission review and consideration of the revised Seabreeze Estates project for 366 residential units, located on two parcels comprising approximately 77-acres located within the City of Lompoc, immediately southeast of the intersection of Central Avenue and Bailey Avenue. Assessor Parcel Numbers 93-070-062 (Northern Parcel) and 93-070-063 (Southern Parcel).

Components of the proposal are as follows:

- 1) **EIR 01-01** – Final Environmental Impact Report (EIR) and an Amendment to the Final EIR, prepared for the project described herein affecting both Northern and Southern Parcels by Rincon Consulting and circulated through the State Clearinghouse (SCH No. 2002061109) pursuant to the requirements of the California Environmental Quality Act.
 - a. Certification of the Final EIR and Amendment to the Final EIR (affecting both Northern and Southern Parcels);
 - b. Adopt the California Environmental Quality Act (CEQA) Findings of Fact and A Statement Of Overriding Considerations for the Northern Parcel; and
 - c. Adopt the California Environmental Quality Act (CEQA) Findings Of Fact and A Statement Of Overriding Considerations for the Southern Parcel.

- 2) **GP 01-02** - General Plan Amendment– (affecting both Northern and Southern Parcels):

To the Circulation Element:

- 1) Roadway Designations Map –
Change Bailey Avenue between Central Avenue and North Avenue to a Rural Road designation;
- 2) Add to Definitions –
A description of a Rural Road, Purpose and Description; and
- 3) Bikeway Routes Map –
Change the Class I designation on the extension of North Avenue to a Class II designation.

Entitlement Requests Affecting only the Northern Parcel (APN: 93-070-62 – approximately 37.82 acres):

- 3) **GP 01-02** - General Plan Amendment– (affecting only Northern Parcel):

To the Land Use Element (Northern Parcel)

Change the existing land use designation from Light Industrial with a Park Overlay to Medium Density Residential on 24.71 acres and to Community Facility on 4.09 acres. The existing Open Space designation on 9.02 acres of the Bailey Avenue Wetlands is proposed to be retained.

- 4) **ZC 02-06** - Zone Change (Northern Parcel) amend the City's Zoning Map designation for the parcel from *Planned Manufacturing (PM)* to *Medium Density Residential, Planned Development (R-2, PD), Public Facilities (PF), and Open Space (OS)*.
- 5) **DR 02-19** -- Preliminary Development Plan (Northern Parcel) Review of a Preliminary Development Plan for conceptual design of 96 duplex units, 120 apartment units, site plan, parking, and landscaping for the Northern Parcel. The proposed housing product types include duplex and apartment complex with landscaping and parking.

Entitlement Requests Affecting only the Southern Parcel (APN: 93-070-63 – approximately 39.43 acres):

- 6) **GP 01-02** - General Plan Amendment– (affecting only Southern Parcel):

To the Land Use Element (Southern Parcel)

Change the existing land use designation from Low Density Residential with School Overlay to Low Density Residential. The existing Open Space designation on 4.03 acres of the Bailey Avenue Wetlands is proposed to be retained.

- 7) **LOM 508** --Tentative Subdivision Map (Southern Parcel) a Vesting Tentative Subdivision Map requesting subdivision into 152 parcels for residential development, including an agricultural buffer, and Open Space for riparian wetlands.
- 8) **ZC 01-02** -- Zone Change (Southern Parcel) amend the City's Zoning Map designation for the parcel from *Single Family Residential (7-R-1)* to *Single Family Residential Planned Development (R-1, PD)* and *Open Space (OS)*.
- 9) **DR 01-02** – Preliminary/Precise Development Plan (Southern Parcel) Review of a Preliminary/Precise Development Plan for the 150 lot residential subdivision, including landscaping for the buffer and the subdivision common area. The proposed housing product types are one and two story single family residential units.

Project History:

The Seabreeze Estates Project consists of the development of an approximate 77-acre site in the City of Lompoc on two parcels, referred to herein as the "Northern Parcel" and "Southern Parcel". On the Northern Parcel, the project involves the development of 216 residential units, consisting of 15 eight-unit apartment buildings and 48 duplexes (96 duplex units), on approximately 37.82 acres. The Northern Parcel is also proposed to contain a 4.09-acre community park area. The Southern Parcel would be developed with 150 single-family residential units on 39.43 acres of land. An approximate 13-acre wetland area and approximately 3-acre riparian area are proposed to be preserved on the project site. This configuration was examined in the Draft EIR (March 2003), which was circulated for the required 45-day public review period, beginning March 4, 2003 and concluding April 17, 2003. Based on this input, a Final EIR was prepared in October 2003. It included responses to written comments received through October 24, 2003.

The project has not yet been approved, nor has the Final EIR been certified. Since October 2003, there have been a workshop (City Council and Planning Commission on October 27, 2003) and hearings (Planning Commission on November 3, 2003 and City Council on November 18, 2003) related to the project.

Revisions to the Project Description and Site Plan:

In response to concerns raised by the public, Planning Commission, and City Council, the project applicant submitted a revised site plan and project description ("Revised Project") on December 17, 2003. Revisions are as follows:

1. **Bailey Avenue Frontage Road.** The Revised Project proposes a new Bailey Avenue frontage roadway east of the existing Bailey Avenue farm road for both parcels. The new Bailey Avenue frontage road would be located within the proposed agricultural buffer area, west of the proposed residential lots.

2. **On-Site Park Provision.** The Revised Project includes the construction of improvements to the 4.09-acre on-site park on the Northern Parcel. The on-site park would be developed by the applicant as a neighborhood park with the following features: turf and an underground irrigation system; a backstop, base line fencing, and playing infield; a small basketball court; a tot lot; a public restroom; perimeter fencing on the north and some areas to the south of the park site; trees along the perimeter of the park; and parking in accordance with City standards. These improvements would be in *addition* to the required payment of Quimby Act fees for both parcels.
3. **Off-Site Wastewater Treatment Plan Odor Control.** The Revised Project includes the contribution of \$500,000 to fund odor control improvements to the City's Wastewater Treatment Plant. The contribution would be paid following project approval.
4. **Access to North Avenue and Emergency Access.** The Revised Project would provide vehicular access to the Southern Parcel from North Avenue and a 20' wide emergency access from existing Audubon Avenue east of the site.

The Revised Project of December 17, 2003 also included a 20' wide emergency access alternative from North Z Street to the project. An existing house would have been removed to provide this access. It was determined that removal of an existing house and provision of this access would require recirculation of the EIR to allow for public comment on this new aspect of the proposal. The applicant elected to eliminate this access point in order to avoid the delay associated with recirculation, and, on February 11, 2004, submitted a site plan without the North Z Street access.

Revisions to Environmental Review Documents:

An Amendment to the Final EIR was prepared to address the issues that have surfaced since the preparation of the Final EIR in October 2003 and the subsequent revisions to the project. The Amendment, along with the original Final EIR, will then collectively be considered as a single EIR for certification. The Amendment also includes a revised General Plan consistency analysis. The Amendment indicates that the changes to the project will result in reduced environmental impacts in several issues areas. However, the impacts remain as classified in the Final EIR. Significant impacts would occur in areas of agricultural resources, air quality, noise, and land use.

Staff has compiled a set of Mitigation Measures for the northern project and the southern separately. Each set contains the Mitigation Measures applicable to each project, extracted from the Final EIR and Amendment, as well as details regarding related plan submittals.

Certification of the EIR acknowledges that the document has: 1) been completed in compliance with CEQA, 2) was reviewed by the decision-making body, and 3) represents the City's independent judgment.

Adoption of CEQA Findings determines, that for each significant impact: 1) changes in the project have been made to avoid or reduce the magnitude of impacts, 2) changes to the project are within another agency's jurisdiction, or 3) economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible.

Approval of the project requires a determination that all significant effects on the environment found to be unavoidable are acceptable due to overriding considerations (i.e., specific economic, legal, social, technological, or other project benefits).

If any or all applications associated with the project are to be approved, the CEQA Findings and Statement of Overriding Considerations **must** be approved. Should the CEQA Findings and Statement of Overriding Considerations **not** be adopted, the project (any or all applications) **cannot** be approved.

Environmental Review Associated with Extension of North Avenue:

As currently proposed, North Avenue would be extended the full length of the project to the new Bailey Avenue frontage road at the time of development. The applicant does not own the property required for the North Avenue right-of-way. The applicant has approached the neighboring property owner, however, the applicant has not yet been successful in coming to agreement on the purchase. If the applicant is not successful in purchasing the right-of-way area, the City will be required to either: 1) acquire the right-of-way through eminent domain, or 2) forgive the requirement of North Avenue extension (i.e., allow the project to proceed without the construction of North Avenue). In order to comply with CEQA, both of these alternatives must be studied in the EIR. Without the extension of North Avenue, it is likely that significant impacts would result because the Fire Department would not be able to provide adequate response times to the Southern Parcel. In order to avoid the delay associated with the additional environmental review and to address the new for public safety access, the applicant agreed to Conditions of Approval (COA P6 for LOM 508, COA P23 for DR 01-02) which requires the extension of North Avenue prior to issuance of building permits for the Southern Parcel. Therefore, the possibility of allowing the project to proceed without construction of North Avenue was not studied in the EIR, and could **not** be permitted without further environmental review.

Analysis of Revised Project:

The revisions to the site plans and tentative map provide an uninterrupted agricultural buffer between the existing Bailey Avenue farm road and the proposed Bailey Avenue frontage road. This street layout differs from the previous layout in that North Avenue would not extend to Bailey Avenue, and westerly access to the both parcels would be via a newly constructed frontage road. This revision was identified, at the last City Council and Planning Commission hearings for the project, as an option to provide better protection to farm land to the west and to further minimize land use conflicts between urban uses and agricultural operations.

The revised site plan and tentative map for the Southern Parcel also includes roadway access directly to North Avenue. This revision was previously identified by staff to

provide better vehicle, pedestrian, and bicycle access to the project. Emergency access to existing Audubon Avenue is also provided, which was also previously identified to provide better emergency access to the site.

The provision of additional park facilities and funds for off-site Wastewater Treatment plant odor control are analyzed in the Amendment to the Final EIR.

The remaining aspects of the proposed project remain as analyzed in the attached Planning Commission staff report dated November 3, 2003.

Recommendations:

Actions Affecting Northern and Southern Parcels:

Regarding Final EIR and Amendment to Final EIR:

1. Adopt Resolution No. 356(04) recommending that the City Council certify the Final Environmental Impact Report and the associated Amendment (FEIR 01-01);
2. Consider Resolution No. 357(04) recommending that the City Council adopt CEQA findings and a statement of overriding consideration for the significant impacts identified in the Final Environmental Impact Report and the associated Amendment (FEIR 01-01) for entitlements for the **Southern Parcel** (GP01-02, LOM 508, ZC 01-02, and DR 01-02); and
3. Consider Resolution No. 358(04) recommending that the City Council adopt CEQA findings and a statement of overriding consideration for the significant impacts identified in the Final Environmental Impact Report and the associated Amendment (FEIR 01-01) for entitlements for the **Northern Parcel** (GP 01-02, ZC 02-06, and DR 01-19).

Regarding General Plan Amendment GP 01-02 *Circulation Element* Amendments:

Adopt Resolution No. 359 (04) recommending that the City Council approve proposed General Plan Amendment GP 01-02 to:

- a. Change Circulation Element Roadway Designations Map – change Bailey Avenue between Central Avenue and Ocean Avenue to a Rural Road designation;
- b. Add to Definitions a description of a “*Rural Road*”, Purpose, and Description; and
- c. Change Bikeway Routes Map – change the Class I designation on the extension of North Avenue to a Class II designation.

Actions Affecting Northern Parcel:

Regarding General Plan Amendment as related to the Northern Parcel (GP 01-02):

Provide direction to staff regarding the Planning Commission recommendation to City Council for the proposed General Plan Amendment for the Northern Parcel. Staff has included resolutions recommending Council approval or denial of the proposal.

- a. Planning Commission Resolution No. 360(04) (Attachment 5a) recommends that the City Council approve a portion of General Plan Amendment GP 01-02 to change the land use designation of Assessor Parcel Number 90-070-062 from Light Industrial with a Park Overlay to Medium Density Residential on 24.71 acres and to Community Facility on 4.09 acres.
- b. Planning Commission Resolution No. 360(04) (Attachment 5b) recommends that the City Council deny a portion of General Plan Amendment GP 01-02 regarding changing the land use designation of Assessor Parcel Number 90-070-062 from Light Industrial with a Park Overlay to Medium Density Residential on 24.71 acres and Community Facility on 4.09 acres.

Regarding Zone Change ZC 02-06:

Provide direction to staff regarding its recommendation to City Council for the proposed Zone Change for the Northern Parcel. Staff has included a resolutions recommending Council approval or denial of the proposal:

- a. Planning Commission Resolution No. 362(04) (Attachment 7a) recommends that the City Council approve Zone Change ZC 02-06 to change the zoning map designation of Assessor Parcel Number 90-070-062 from Planned Manufacturing (PM) to Medium Density Residential on 24.71 acres and to Public Facilities (PF) on 4.09 acres.
- b. Planning Commission Resolution No. 362(04) (Attachment 7b) recommends that the City Council deny Zone Change ZC 02-06 to change the zoning map designation of Assessor Parcel Number 90-070-062 from Planned Manufacturing (PM) to Medium Density Residential, Planned Development (R-2, PD) on 24.71 acres and Public Facilities (PF) on 4.09 acres.

Regarding Preliminary Development Plan DR –01-19:

Provide direction to staff regarding its recommendation to City Council for the proposed Preliminary Development Plan for the Northern Parcel. Staff has included a resolutions recommending Council approval or denial of the proposal.

- a. Planning Commission Resolution No. 363(04) (Attachment 8a) recommends that the City Council approve DR 02-19 as the Preliminary Development Plan for the Northern Parcel of Seabreeze Estates, Assessor Parcel Number 90-070-062.

- b. Planning Commission Resolution No. 363(04) (Attachment 8b) recommends that the City Council deny DR 02-19 as the Preliminary Development Plan for the Northern Parcel of Seabreeze Estates, Assessor Parcel Number 90-070-062.

Actions Affecting Southern Parcel:

Regarding General Plan Amendment as related to the Southern Parcel (GP 02-01):

Adopt Resolution No. 361(04) recommending that the City Council approve General Plan Amendment GP 01-02 to change the land use designation of Assessor Parcel Number 93-070-063 from Low Density Residential with a Park Overlay to Low Density Residential. The existing Open Space designation on 4.03 acres of the Bailey Avenue Wetlands is to be retained.

Regarding Zone Change ZC 01-02:

Adopt Resolution No. 364(04) recommending that the City Council approve Zone Change ZC 01-02 for Assessor Parcel Number 93-070-063 from Single Family Residential (7-R-1) to Single Family Residential Planned Development (R-1, PD).

Regarding Preliminary/Precise Development Plan DR 01-02:

Adopt Resolution No. 366(04) recommending that the City Council approve DR 01-02 as the Preliminary/Precise Development Plan for Assessor Parcel Number 93-070-063 for the 150 single family residential development, subject to the attached draft Conditions of Approval.

Regarding Vesting Tentative Map LOM 508:

Adopt Resolution No. 365(04) recommending that the City Council approve Vesting Tentative Map (LOM 508) for Assessor Parcel Number 93-070-063 based upon the Findings of Fact in the Resolution, subject to the attached draft Conditions of Approval.

Noticing:

Notice of the Public Hearing was published in the Lompoc Record on Friday, July 23, 2004 and a notice was mailed to all the property owners of record within 300 feet of the subject property on Friday, July 23, 2004.

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.

Attachments:

1. [Resolution No. 356\(04\)](#)
2. [Resolution No. 357\(04\)](#)
3. [Resolution No. 358\(04\)](#)
4. [Resolution No. 359\(04\)](#)
- 5a. [Resolution No. 360\(04\) A](#)
- 5b. [Resolution No. 360\(04\) B](#)
6. [Resolution No. 361\(04\)](#)
- 7a. [Resolution No. 362\(04\) A](#)
- 7b. [Resolution No. 362\(04\) B](#)
- 8a. [Resolution No. 363\(04\) A](#)
- 8b. [Resolution No. 363\(04\) B](#)
9. [Resolution No. 364\(04\)](#)
10. [Resolution No. 365\(04\)](#)
11. [Resolution No. 366\(04\)](#)
12. Amendment to the Final EIR (previously distributed to the Planning Commission; copies available at the Planning Division counter)
13. Planning Commission staff report dated November 3, 2003
14. Site Plan and Exhibits
(Planning Commission and City Council only, available in Planning Division for Review)

RESOLUTION NO. 356 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR 01-01) FOR THE SEABREEZE ESTATES PROJECT

WHEREAS, DS Ventures, LLC has requested that the City of Lompoc consider a proposal for the Seabreeze Estates project described in the Environmental Impact Report and located immediately southeast of the intersection of Central Avenue and Bailey Avenue (Assessor Parcel Numbers: 093-070-062 (Northern Parcel) and 093-070-063 (Southern Parcel) ("the Project"); and

WHEREAS, an Environmental Impact Report (EIR 01-01) (SCH No. 2002061109) has been prepared by Rincon Consultants in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc to study the environmental impacts of the proposed Project; and

WHEREAS, the EIR reflects the City of Lompoc's independent judgment and analysis; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003 which was deemed complete on January 20, 2004, and a revised site plan and tentative map were submitted on February 11, 2004 which were deemed complete on March 12, 2004; and

WHEREAS, the Final EIR (FEIR) was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC

RESOLVES AS FOLLOWS:

SECTION 1. Recirculation of the Final EIR is not required because there are no changed circumstances and the revised application does not cause new significant environmental impacts and/or cause a substantial increase in the severity of previously identified significant effects.

SECTION 2. After reviewing and considering the Seabreeze Estates Project FEIR and the Findings of Fact prepared for Planning Commission review, hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission hereby recommends that the City Council certify the Final Environmental Impact Report and the associated Amendment EIR 01-01 for the Seabreeze Estates project as complete and in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

The foregoing Resolution, on motion by Commissioner____, seconded by Commissioner____, was adopted at the Planning Commission meeting of August 2, 2004, by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 357 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SEABREEZE ESTATES PROJECT (EIR 01-01) FOR THE SOUTHERN PARCEL

WHEREAS, DS Ventures, LLC has requested that the City of Lompoc consider a proposal for the Seabreeze Estates project described in the Environmental Impact Report and located immediately southeast of the intersection of Central Avenue and Bailey Avenue (Assessor Parcel Number: 093-070-063 (Southern Parcel)); and

WHEREAS, an Environmental Impact Report (EIR 01-01) (SCH NO. 2002061109) has been prepared by Rincon Consultants in conformance with the California Environmental Quality Act (CEQA), its Guidelines and the Environmental Guidelines of the City of Lompoc to study the environmental impacts of the project; and

WHEREAS, the EIR reflects the City of Lompoc's independent judgment and analysis; and

WHEREAS, the State CEQA Guidelines require that certain findings be made before a public agency approves a project for which an EIR has been completed that identifies significant environmental effects; and

WHEREAS, pursuant to CEQA, proposed Findings of Fact and a Statement of Overriding Considerations have been prepared for the City Council, and which are attached as Exhibit A; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan and tentative map were submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission.

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

SECTION 1: That the information contained as Exhibit A has been reviewed and considered and substantial evidence received in support thereof.

SECTION 2: Based upon all evidence presented, both oral and documentary, the Planning Commission recommends to the City Council that the Council make the Findings of Fact required by the California Environmental Quality Act (CEQA) and adopt the Statement of Overriding Considerations set forth at Exhibit A.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Exhibit A: Findings and Statement of Overriding Considerations for the Seabreeze Estates Environmental Impact Report and Amendment

(Previously provided to Planning Commission; copies available at Planning Division Counter)

RESOLUTION NO. 358 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SEABREEZE ESTATES PROJECT (EIR 01-01) FOR THE NORTHERN PARCEL

WHEREAS, DS Ventures, LLC has requested that the City of Lompoc consider a proposal for the Seabreeze Estates project described in the Environmental Impact Report and located immediately southeast of the intersection of Central Avenue and Bailey Avenue (Assessor Parcel Number: 093-070-062 (Northern Parcel)); and

WHEREAS, an Environmental Impact Report (EIR 01-01) (SCH NO. 2002061109) has been prepared by Rincon Consultants in conformance with the California Environmental Quality Act (CEQA), its Guidelines and the Environmental Guidelines of the City of Lompoc to study the environmental impacts of the project; and

WHEREAS, the EIR reflects the City of Lompoc's independent judgment and analysis; and

WHEREAS, the State CEQA Guidelines require that certain findings be made before a public agency approves a project for which an EIR has been completed that identifies significant environmental effects; and

WHEREAS, pursuant to CEQA, proposed Findings of Fact and a Statement of Overriding Considerations have been prepared for the City Council, and which are attached as Exhibit A; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission.

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

SECTION 1: That the information contained as Exhibit A has been reviewed and considered and substantial evidence received in support thereof.

SECTION 2: Based upon all evidence presented, both oral and documentary, the Planning Commission recommends to the City Council that the Council make the Findings of Fact required by the California Environmental Quality Act (CEQA) and adopt the Statement of Overriding Considerations set forth at Exhibit A.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Exhibit A: Findings and Statement of Overriding Considerations for the Seabreeze Estates Environmental Impact Report and Amendment

(Previously provided to Planning Commission; copies available at Planning Division Counter)

RESOLUTION NO. 359 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE THE REQUESTED CIRCULATION ELEMENT CHANGES TO THE GENERAL PLAN (GP 01-02)

WHEREAS, a request was received from DS Ventures, LLC for the City of Lompoc consideration of a proposal to amend the City's General Plan Circulation Element Map designation. The change is requested for the Seabreeze Estates project described in EIR 01-01 and located on two parcels immediately southeast of the intersection of Central Avenue and Bailey Avenue. The requested changes are to: 1) Roadway Designations Map – change Bailey Avenue between Central and Ocean Avenue to a “*Rural Road*” designation; 2) Add to Definitions – a description of a “*Rural Road, Purpose and Description*”; 3) Bikeway Routes Map – change the Class 1 designation on the extension of North Avenue to a Class 2 designation; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan and tentative map were submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended Council certification of the Final Environmental Impact Report (FEIR 01-01) as amended for the project and recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The proposed General Plan Circulation Element amendment provides a designation that accommodates the proposed development in the vicinity; therefore the Planning Commission finds that:

- A. The proposed General Plan amendment creates circulation element designations more compatible with the existing adjacent land uses.
- B. The proposed General Plan Circulation amendment will provide a designation compatible with the existing adjacent land uses.
- C. The proposed amendment is required for the public necessity, convenience, and general welfare.

SECTION 2: The General Plan roadway designations shall be amended to include *Rural Roads Purpose and Description* as follows:.

Purpose To provide for both agricultural vehicles and urban vehicular travel, to act as a buffer between agricultural and urban land uses, to discourage through traffic, to provide direct roadway access to abutting residential land uses and driveways, and to join with the City's existing circulation system.

Description Low speed/low volume, undivided, two-lane roadways. Driveway access from individual parcels should be minimal and may be discouraged. Rural roads have a right-of-way width of 47 feet.

SECTION 3: The proposed Circulation Element amendment is consistent with all elements of the General Plan and correlates with the Land Use Element.

SECTION 4: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve GP 01-02 to change the General Plan Circulation designation of Bailey Avenue's classification to a *Rural Road* as shown on Exhibit B (with definition) and change the Bike Route map from Class 1 to Class 2 as shown on Exhibit C, and to add definition listed in Section 2 above.

The foregoing Resolution, on motion by Commissioner ____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A - Roadway Designations Map
Exhibit B – Bikeway Routes Map

RESOLUTION NO. 360 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE THE CHANGES FOR THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL TO THE GENERAL PLAN AMENDMENT GP 01-02 (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures LLC for the City of Lompoc consideration of a proposal to amend the City's General Plan Land Use Map designation for the Seabreeze Estates project as described in EIR 01-01 and located immediately southeast of the intersection of Central Avenue and Bailey Avenue as described herein: from Light Industrial with a park overlay, to Medium Density Residential on 22.14 acres, Community Facility on 4.09 acres and Open Space on 11.59 acres on the northern parcel. Assessor Parcel Number: 93-070-062; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project and, recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The proposed General Plan Land Use Designation amendment for the subject site is Medium Density Residential, Community Facility, and Open Space on the northern parcel, which provides a designation that reflects the proposed development in the vicinity; therefore the Planning Commission finds that:

- A. The proposed General Plan amendment designates land uses more compatible with the existing adjacent land uses.
- B. The proposed General Plan Land Use Designation amendment will provide a designation compatible with the existing adjacent land uses.
- C. The proposed modification is required for the public necessity, convenience, and general welfare.

SECTION 2: The proposed Circulation Element amendment is consistent with all the elements of the General Plan and correlates with the Land Use Element.

SECTION 3: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve GP 01-02 to change the General Plan Land Use designation to Medium Density Residential, Community Facility, and Open Space on the northern parcel as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner ____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Land Use Map (northern parcel)

RESOLUTION NO. 360 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY THE REQUESTED CHANGES TO THE GENERAL PLAN FOR THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL - GENERAL PLAN AMENDMENT GP 01-02 (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures LLC for the City of Lompoc consideration of a proposal to amend the City's General Plan Land Use Map designation for the Seabreeze Estates project as described in EIR 01-01 and located immediately southeast of the intersection of Central Avenue and Bailey Avenue as described herein: from Light Industrial with a park overlay, to Medium Density Residential on 22.14 acres, Community Facility on 4.09 acres and Open Space on 11.59 acres on the northern parcel.

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

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

SECTION 1: The existing General Plan Land Use designation of Planned Manufacturing with Park Overlay was found by the City to be an appropriate Land Use designation due to the proximity to the City Waste Water Reclamation Treatment Plan. Residential use is not appropriate due to potential land use conflicts such as odor and noise impacts upon future residents. Additionally, land appropriately zoned for "light industrial" use is limited in the City and an inventory should be maintained for future industrial uses. Therefore the

Planning Commission recommends that the City Council retain the existing Planned Manufacturing with Park Overlay for the parcel.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council deny GP 01-02 to change the General Plan Land Use designation to Medium Density Residential, Community Facility and Open Space on the northern parcel as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner ____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 361 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN AMENDMENT GP 01-02 REQUESTED LAND USE ELEMENT CHANGES FOR THE SEABREEZE ESTATES PROJECT SOUTHERN PARCEL, (ASSESSOR PARCEL NUMBER 93-070-63)

WHEREAS, a request was received from DS Ventures, LLC for the City of Lompoc consideration of a proposal to amend the City's General Plan Land Use Designation Map for the Seabreeze Estates project as described in EIR 01-01 and located immediately southeast of the intersection of Central Avenue and Bailey Avenue. The request is for a change from Low Density Residential with School Overlay to Low Density Residential on 35.40 acres, Open Space on 4.03 acres of the Bailey Avenue Wetlands Parcel Number: 93-070-63; and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan and tentative map were submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project and, recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The proposed General Plan Land Use Designation amendment for the subject site removes the school overlay and changes the Land Use Designation to Low Density Residential and Open Space on the southern parcel, which provides a designation that reflects the proposed development in the vicinity; therefore the Planning Commission finds that:

- A. The proposed General Plan amendment designates land uses more compatible with the existing adjacent land uses.
- B. The proposed General Plan Land Use Designation amendment will provide a designation compatible with the existing adjacent land uses.
- C. The proposed modification is required for the public necessity, convenience, and general welfare.
- D. The proposed amendment is consistent with all the elements of the General Plan and correlates with the Land Use Element.

SECTION 2: The Planning Commission resolves that this resolution shall be forwarded to the City Council with the Commission recommendation that the Council approve GP 01-02 to remove the school overlay and to change the General Plan Land Use designation to Low Density Residential and Open Space on the southern parcel as shown on Exhibit A, attached.

The foregoing Resolution, on motion by Commissioner ____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Land Use Map (southern parcel)

RESOLUTION NO. 362 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE (ZC 02-06) FOR THE NORTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for the City of Lompoc consideration of a proposal to amend the City's Zoning Map for the Seabreeze Estates project as discussed in EIR 01-01 located immediately southeast of the intersection of Central Avenue and Bailey Avenue. The request is to change the current 37.82 acre Planned Manufacturing (PM) designation to Medium Density Residential, Planned Development (R2, PD) on 22.14 acres, Public Facility (PF) on 4.09 acres and Open Space (OS) on 11.59 acres (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended City Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project and recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The General Plan Land Use designation recommended in Resolution No. 360(04) for the subject site is Medium Density Residential, Community Facility, and Open Space, which is consistent with the proposed Medium Density Residential, Planned Development (R-2, PD), Public Facility (PF), and Open Space (OS) zoning; therefore, the Planning Commission finds that:

- A. The proposed zoning is consistent with the General Plan Land Use Designation and all the elements of the General Plan.
- B. The site is adjacent to streets, which contain necessary infrastructure to support the proposed use of the property.
- C. The area is afforded the services and facilities appropriate for the proposed zoning.
- D. The proposed Zone Change will provide a designation compatible with the existing adjacent land uses; the proposed amendment is required for the public necessity, convenience, and general welfare.

SECTION 2: 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 recommendation that the Council approve ZC 02-06, to change the zoning on the subject site to Medium Density Residential, Planned Development (R-2, PD), Public Facility (PF), and Open Space (OS).

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Map (northern parcel)

RESOLUTION NO. 362 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY ZONE CHANGE (ZC 02-06) FOR THE NORTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for the City of Lompoc consideration of a proposal to amend the City's Zoning Map for the Seabreeze Estates project as discussed in EIR 01-01 located immediately southeast of the intersection of Central Avenue and Bailey Avenue. The request is to change the current 37.82 acre Planned Manufacturing (PM) designation to Medium Density Residential, Planned Development (R2, PD) on 22.14 acres, Public Facility (PF) on 4.09 acres, and Open Space (OS) on 11.59 acres (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004, and a revised site plan was submitted on February 11, 2004, which was deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was revised to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ spoke at the meeting, and

WHEREAS, the Planning Commission has certified and recommended City Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project, recommended adoption of the Statement of Overriding Considerations, and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The Planning Commission has adopted Resolution 360(04) recommending that the City Council deny the associated General Plan Amendment for the project site; therefore, the Planning Commission also recommends that the City Council retain the current zoning designation for consistency.

SECTION 2: 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. The Council is not required to take further action unless a written appeal of the Planning Commission action is filed within ten days of the Planning Commission recommendation to City Council.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004, by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 363 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING FOR CITY COUNCIL APPROVAL OF PRELIMINARY DEVELOPMENT PLAN (DR 02-19) THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for Planning Commission consideration of DR 02-19 as the Preliminary Development Plan for conceptual design of the structures, site plan, parking, and landscaping for the Seabreeze Estates project northern parcel. The proposed housing product types include duplex and apartment complex with landscaping and parking on 37.82 acres. (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 and deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission recommended City Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project, and recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

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

In as much as the Planned Development (PD) zoning designation allows either more or less restrictive requirements, regulations, limitations and

restrictions including building spacing and design, the preliminary developments plan DR 02-19 is designed to meet the needs of the proposed residential uses, therefore it can be found that:

- A. The site for the Seabreeze Estates project northern parcel is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The location of the Seabreeze Estates project to streets and highways is adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The Seabreeze Estates project will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.
- E. The proposed amendment is consistent with all the elements of the General Plan and correlates with the Land Use Element.

SECTION 2: Based upon the foregoing, DR 02-19 is recommend as the Preliminary Development Plan for approved by the City Council as shown on the site plan dated December 17, 2003, reviewed by the Planning Commission on August 2, 2004, 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 Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Conditions of Approval

RESOLUTION NO. 363(04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL DENY DR 02-19 AS THE PRELIMINARY DEVELOPMENT PLAN FOR THE SEABREEZE ESTATES PROJECT NORTHERN PARCEL, (ASSESSOR PARCEL NUMBER 93-070-62)

WHEREAS, a request was received from DS Ventures, LLC for Planning Commission consideration of DR 02-19 as the Preliminary Development for conceptual design of the structures, site plan, parking, and landscaping for the Seabreeze Estates project northern parcel. The proposed housing product types include duplex and apartment complex with landscaping and parking (Assessor Parcel Number: 93-070-62); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan was submitted on February 11, 2004 which was deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission.

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

SECTION 1: The Planning Commission has adopted Resolution 360 (04) recommending that the City Council deny the associated General Plan Amendment for the project site; therefore the Planning Commission also recommends that the City Council deny DR 02-19 as the Preliminary Development Plan for the parcel. The General Plan Land Use designation of Light Industrial does not allow residential use to be developed.

SECTION 2: Based upon the findings in Section 1 it is recommended that the City Council deny DR 02-19 as the Preliminary Development Plan for the Seabreeze

Estates Project northern parcel.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

RESOLUTION NO. 364 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE ZC 01-02 FOR THE SEABREEZE ESTATES PROJECT SOUTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-63)

WHEREAS, a request was received from DS Ventures, LLC for City of Lompoc consideration of a proposal to amend the City's Zoning Map for the property located immediately southeast of the intersection of Central Avenue and Bailey Avenue. The change for the Seabreeze Estates project is from Single Family Residential (7-R-1) to Single Family Residential, Planned Development (R-1, PD). And Open Space (OS) (Assessor Parcel Number: 93-070-63); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004 and a revised site plan and tentative map were submitted on February 11, 2004 which were deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission recommended City Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project, recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: The General Plan Land Use designation recommended in Resolution No. 361(04) for the subject site is Low Density Residential and Open Space, which is consistent with the proposed Single Family Residential, Planned Development (7-R-1, PD) and Open Space (OS) zoning; therefore, the Planning Commission finds that:

- A. The proposed zoning is consistent with the General Plan Land Use Designation.
- B. The site is adjacent to streets, which contain necessary infrastructure to support the proposed use of the property.
- C. The area is afforded the services and facilities appropriate for the proposed zoning.
- D. The proposed Zone Change will provide a designation compatible with the existing adjacent land uses; the proposed modification is required for the public necessity, convenience, and general welfare.

SECTION 2: 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 recommendation that the Council approve ZC 01-02, to change the zoning on the subject site to Single Family Residential, Planned Development (R-1, PD) on 35.4 acres and Open Space (OS) on 4.03 acres.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Map (southern parcel)

RESOLUTION NO. 365 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE A 39.43 ACRE PARCEL FOR RESIDENTIAL DEVELOPMENT– LOM 508

WHEREAS, a request was received from DS Ventures, LLC for Planning Commission consideration of a Vesting Tentative Subdivision Map to subdivide an existing 39.43 acre parcel for residential development. The Seabreeze Estates project is located immediately southeast of the intersection of Central Avenue and Bailey Avenue (Assessor Parcel Number: 93-070-63); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003 , which was deemed complete on January 20, 2004 and a revised site plan and tentative map were submitted on February 11, 2004 which were deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____of_____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended City Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project and recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION 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 General Plan designations for the site are: Low Density Residential and Open Space, the zoning is consistent with the General

Plan and the staff analysis provides a basis for the recommendation; therefore, the design and improvements of the proposed subdivision are consistent with the applicable General Plan designation and policies.

- B. The proposed parcels are of reasonable size to support the type of development proposed by the applicant; therefore, it can be found that the site is physically suitable for the type and density of the development proposed.
- C. The proposed subdivision of land is in compliance with the City's policies and ordinances, as conditioned; therefore, it can be found that the design of the proposed subdivision and improvements are not likely to cause environmental damage or substantially and unavoidable injure fish or wildlife or their habitat.
- D. The design of the proposed subdivision of land, as conditioned, and the type of improvements will not conflict with easements of record or established by judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision; therefore it can be found that the proposed conditions of approval are necessary to provide adequate access to the public.

SECTION 2: Based upon the foregoing it is recommended that the City Council approve LOM 508 as the Vesting Tentative Subdivision Map as reviewed on August 2, 2004, 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 Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A - Conditions of Approval

RESOLUTION NO. 366 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING CITY COUNCIL APPROVAL OF DR 01-02 AS THE PRELIMINARY/PRECISE DEVELOPMENT PLAN FOR THE SEABREEZE ESTATES PROJECT SOUTHERN PARCEL (ASSESSOR PARCEL NUMBER 93-070-63)

WHEREAS, a request was received from DS Ventures, LLC for Planning Commission consideration of a Preliminary/Precise Development for a 150 unit residential development known as the Seabreeze Estates project, on 39.43 acres, located immediately southeast of the intersection of Central Avenue and Bailey Avenue (Assessor Parcel Number: 93-070-63); and

WHEREAS, the Project was considered by the Planning Commission at a duly-noticed public meeting on November 3, 2003; and

WHEREAS, the Project was considered by the City Council at a duly-noticed public meeting on November 18, 2003; and

WHEREAS, the applicant submitted a revised application on December 17, 2003, which was deemed complete on January 20, 2004, and a revised site plan and tentative map were submitted on February 11, 2004, which was deemed complete on March 12, 2004; and

WHEREAS, the Final EIR was amended to properly analyze the revised application in conformance with the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Lompoc; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on August 2, 2004; and

WHEREAS, at the meeting of August 2, 2004, _____ of _____, were present, and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 2, 2004, _____ addressed the Planning Commission, and

WHEREAS, the Planning Commission has recommended Council certification of the Final Environmental Impact Report (FEIR 01-01) for the project and recommended adoption of the Statement of Overriding Considerations and Findings of Fact as required by the California Environmental Quality Act (CEQA).

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

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that DR 01-02 the Preliminary/Precise Development Plan for the proposed southern parcel of the Seabreeze Estates project, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the applicable policies and development standards, therefore the Planning Commission finds that:

- A. The site for the Seabreeze Estates project southern parcel is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The location of The Seabreeze Estates project to streets and highways is adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The Seabreeze Estates will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.
- E. The proposed amendment is consistent with all the elements of the General Plan and correlates with the Land Use Element.

SECTION 2: Based upon the foregoing, DR 01-02 is recommended for City Council approval as the Preliminary/Precise Development Plan as shown on the site plan dated December 17, 2004, reviewed on August 2, 2004, 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 Planning Commission meeting of August 2, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Exhibit A – Conditions of Approval

1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. CEQA Guidelines Section 15091 provides the following guidance regarding findings:

“(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

CEQA Guidelines Section 15093 provides the following additional guidance regarding a Statement of Overriding Considerations:

“(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.”

Having received, reviewed and considered the Final Environmental Impact Report for the Seabreeze Estates Project, SCH #2002061109 (FEIR), and the Amendment to the EIR dated July 1, 2004, as well as all other information in the record of proceedings on this matter, the following Findings and Statement of Overriding Considerations Regarding the Final Environmental Impact Report for the Seabreeze Estates Project (Findings) are hereby adopted by the City of Lompoc.

1.2 Document Format

These Findings have been categorized into the following sections:

- 1) Section 1.0 provides an introduction to these Findings.
- 2) Section 2.0 provides a summary of the Project and overview of other discretionary actions required for the Project, and a statement of Project objectives.
- 3) Section 3.0 provides a summary of those activities that have preceded the consideration of the Findings for the Project as part of the environmental review process, and a summary of public participation in the environmental review for the Project.
- 4) Section 4.0 sets forth findings regarding those potentially significant environmental impacts identified in the FEIR which the City has determined to be less than significant with the implementation of Project design features and/or Project conditions included in the MMRP for the Project.
- 5) Section 5.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the FEIR which the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures included in the MMRP for the Project.
- 6) Section 6.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 7) Section 7.0 sets forth findings regarding growth inducement impacts.
- 8) Section 8.0 sets forth findings regarding alternatives to the Project.
- 9) Section 9.0 contains findings regarding the MMRP for the Project.
- 10) Section 10.0 contains other relevant findings adopted by the City with respect to the Project.
- 11) Section 11.0 consists of a Statement of Overriding Considerations, which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the Project outweigh the Project's potential unavoidable environmental impacts.

The Findings set forth in each section herein are supported by findings and facts identified in the administrative record of the Project.

1.3 Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions regarding the Project are located at the City of Lompoc Planning Division and City Clerk's Office, 100 Civic Center Plaza, Lompoc, California, 93438. The City is the custodian of the administrative record for the Project.

2.0 PROJECT SUMMARY

2.1 Project Location

The proposed Seabreeze Estates Project ("Project") involves the development of an approximately 77-acre project site, located immediately southeast of the intersection of Central Avenue and Bailey Avenue in the northwestern portion of the City of Lompoc. The site is comprised of two parcels (the "Northern Parcel" and the "Southern Parcel") that are currently undeveloped and contain agricultural fields. The Northern Parcel is APN 93-070-062, and the Southern Parcel is APN 93-070-

063. The Findings in this document refer only to development of the Northern Parcel.

The site is bordered to the north by Central Avenue and the Reclamation Plant, to the west by Bailey Avenue and agricultural uses, to the east by the Willows mobile home residential development and Ellwood Estates single-family residential subdivision, and to the south by agricultural uses.

2.2 Project Description

The portion of the Project proposed on the Northern Parcel would require a General Plan Amendment to change the land use designation of the parcel from General Industrial with a Park Overlay to Medium Density Residential on 24.71 acres (including a 5.56-acre agricultural buffer on the western site boundary along Bailey Avenue and a 2.57-acre area of riparian habitat south of West Central Avenue) and to Community Facility on a proposed 4.09-acre park site. The existing Open Space designation on 9.02 acres of the Bailey Avenue Wetlands is proposed to be retained. A residential community of 216 units (15 eight-unit apartment buildings and 48 duplexes (96 duplex units) will be constructed on 16.58 acres of the site. The applicant is also requesting an associated zone change on this parcel from Planned Manufacturing (PM) to Medium Density, Planned Development (R-2, PD), Public Facility, and Open Space.

With the Project, the existing Bailey Avenue farm road would remain unimproved. A frontage road would be constructed east of the existing Bailey Avenue farm road and proposed on-site agricultural buffer. This frontage road would provide access to the site from the west and would result in a continuous agricultural buffer along the western site boundary.

This project description is the development of the Northern Parcel of the project analyzed in the Final Environmental Impact Report (EIR) as amended by the EIR Amendment of July 1, 2004. The following findings are based on this project description.

The Project and alternatives are described in more detail in the Seabreeze Estates Project FEIR, and Appendices thereto, and the staff report accompanying these findings.

2.3 Discretionary Actions

Project implementation may include, but is not limited to, the following discretionary actions by the City and Responsible Agencies having jurisdiction by law upon the project site and/or the resources contained thereon:

- 1) Certification of the Environmental Impact Report
- 2) Adoption of a Mitigation Monitoring and Reporting Program (MMRP)
- 3) Approval of a Preliminary Development Plan
- 4) Approval of an Amendment to the City of Lompoc General Plan
- 5) Approval of an Amendment to the Zoning Code and Zoning Map
- 6) Approval of a Tract Subdivision Map in accordance with the State Subdivision Map Act
- 7) Additional permits and approvals, including, but not limited to the following:
 - a. Grading permits, building permits, and street work permits
 - b. NPDES compliance review
 - c. Other ministerial permits/approvals and compliance reviews of inspections required for the Project.

2.4 Statement of Objectives

The applicant's objectives for the proposed Northern Parcel of the Seabreeze Estates Project are as follows:

- 1) To construct a residential development that includes up to 216 residential units, consisting of 15 eight-unit apartment buildings and 48 duplexes (96 duplex units);
- 2) To preserve up to 9.02 acres of wetland designated as open space;
- 3) To preserve up to 2.57 acres of sensitive riparian habitat;
- 4) To dedicate up to 4.09 acres as a community park for public use; and
- 5) To provide up to 5.56 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On June 21, 2002, a Notice of Preparation (NOP) was distributed by the City of Lompoc for the Project. The State of California Clearinghouse issued a project number for the Seabreeze Estates Project, SCH #2002061109.

In accordance with CEQA Guidelines Section 15082, the NOP was circulated to interested agencies, groups, and individuals for a period of 30 days, during which comments were solicited and received, pertaining to environmental issues/topics that the Draft EIR should evaluate.

Subsequent to the public review of the Notice of Preparation, the City of Lompoc internally reviewed "administrative" copies of the Draft EIR. Upon completion of the review, copies of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals, as required under CEQA Guidelines Sections 15105 and 15087.

The public review of the Draft EIR began on March 4, 2003 and ended on April 17, 2003. The FEIR includes a Response to Comments package (Section 3.0 of the FEIR), which presents all written comments received during the public review period of the Draft EIR, and includes related changes made to the Draft EIR.

The Planning Commission held a noticed public hearing to consider the FEIR and the Project on November 3, 2003. Following the Planning Commission's review, the Planning Commission formulated its recommendations regarding the Project and the FEIR, and forwarded those recommendations to the City Council for consideration. The Planning Commission recommended certification of the FEIR, but did not recommend Project approval.

The City Council held a noticed public hearing on November 18, 2003 to consider the FEIR and the Project. At that hearing, the City Council considered the recommendations of the Planning Commission, the information presented in the FEIR and the record for the Project, and public comments and testimony received at the hearing, but took no action on the Project.

Based on the testimony received at the hearings, on December 17, 2003 the project applicant subsequently submitted a revised site plan that reorganized the proposed access to the site, provided Bailey Avenue frontage road improvements east of the proposed agricultural buffer, separate and distinct from the existing Bailey Avenue farm road, provided improvements to the proposed Northern Parcel community park site, and funded odor control improvements to the

Lompoc Regional Wastewater Reclamation Plant (LRWWRP). The environmental impacts associated with this revised Project were described in the Amendment to the EIR, dated July 1, 2004. As described therein, this Project has fewer impacts than as originally proposed, and no new environmental impacts. As such, there is no need to recirculate the EIR with respect to the current Project.

4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The City finds, based upon the analysis presented in Section 4.0 of the FEIR and the Amendment to the EIR, dated July 1, 2004, that the following environmental effects of the Project are less than significant, and, therefore, no mitigation measures are required. The City hereby finds that project design features and/or project conditions have been identified and incorporated into the project which avoid or substantially lessen the potentially significant effect on the environment to a less than significant level.

4.1 Agricultural Resources

4.1.1 Less Than Significant Impact AG-2. Development may result in land use conflicts between proposed uses and existing agricultural operations off-site on adjacent properties. With the implementation of proposed agricultural buffers and the Bailey Avenue frontage road, this is considered a Class III, *less than significant*, impact.

Finding – Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Active agricultural lands are located throughout the project vicinity and immediately adjacent to the site to the west. The Project may result in potential conflicts between the existing agricultural operations and new non-agricultural uses. Residents living adjacent to farmland commonly cite odor nuisance impacts, noise from farm equipment, dust, and pesticide spraying as typical land use conflicts. The County's right to farm ordinance would protect on-going agricultural operation from nuisance lawsuits. Pesticides may continue to be used in restricted quantities on the adjacent off-site agricultural properties.

The County Department of Agriculture maintains recommended standards for setbacks (buffers) between development and agricultural property based on the types of pesticides used at the agricultural property. It should be noted that non-restricted use pesticides are subject to laws and regulations applied statewide, but can be purchased and used without permit from the County Department of Agriculture. The Agricultural Commissioner has the authority to impose spray buffers and other restrictions to pest management practices due to development or other potential hazards near agricultural operations. The County Department of Agriculture determines the appropriateness of agricultural buffer distances on a project-by-project basis, based on relevant site and project criteria, practical knowledge of agricultural practices, technical literature, and contact with other professionals. The sufficiency of buffer distances determined by the County Department of Agriculture is partially based on whether pesticides are applied at ground level or aurally. The County Department of Agriculture typically recommends a buffer distance of 200 to 500 feet. Row

crops associated with the agricultural uses west of the site are assumed by the County Department of Agriculture to involve occasional aerial applications of pesticides, which would require a buffer distance of at least 200 feet.

The proposed site plan includes a continuous buffer along the entire western site boundary that would contain a bioswale area. This buffer would vary in width from 180 to 230 feet from the edge of the site. With the adjacent right-of-way for the Bailey Avenue frontage road, the buffer would ensure that Project improvements in the western portion of the site would be located at least 200 feet from the adjacent agricultural uses west of the site. Based on County Department of Agriculture buffer standards, this buffer would be sufficient for adjacent ground and aerial applications of agricultural chemicals.

The Project would include a new Bailey Avenue frontage road for use by Project residents. The separation of project vehicle trips from the existing farm equipment and vehicles along the existing Bailey Avenue farm road would ensure less than significant impacts related to conflicts between farm vehicles and equipment, and Project-generated traffic.

Reference - FEIR pages 4.2-4 through 4.2-6.

4.2 Air Quality

4.2.1 Less Than Significant Impact AQ-2. Project traffic generation, together with other cumulative traffic associated with foreseeable development, would not result in CO “hotspots.” Therefore, the Project’s potential to generate CO “hotspots” is considered to be a Class III, *less than significant* impact.

Finding – Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding – Carbon monoxide (CO) is considered to have a significant air quality impact if the additional CO from a project creates a “hot spot” where the California one-hour standard of 20 parts per million carbon monoxide is exceeded. This typically occurs at severely congested intersections. According to the Santa Barbara County Air Pollution Control District (SBCAPCD), if a project, together with existing traffic and that anticipated from foreseeable future development, would not result in traffic congestion worse than a level of service (LOS) D after intersection improvements are implemented, then CO modeling is normally not required.

Based on the traffic analysis, included as Section 4.12, *Transportation and Circulation*, of the FEIR, the Project, together with existing and other foreseeable future projects under General Plan buildout conditions, has the potential to significantly affect the operation of the “V” Street/Central Avenue intersection unless mitigation measures, including signalization, are implemented. However, after mitigation, none of the affected intersections would operate at a LOS D or worse under the cumulative development scenario. Therefore, with the implementation of proposed mitigation measures identified in Section 4.12, *Transportation and Circulation*, of the FEIR, the post-project conditions would not meet the SBCAPCD criteria to require CO modeling and no significant CO “hotspot” impacts would occur.

Reference - FEIR page 4.3-7.

4.2.2 Less Than Significant Impact AQ-3. The Project has the potential to generate construction-related emissions over a five year period. The SBCAPCD and City do not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. Dust abatement measures are required by the City as a condition of approval for all discretionary construction activities. With implementation of these dust abatement measures, construction related emissions would be considered Class III, less than significant.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Construction activities would result in temporary short-term air quality impacts. These impacts are associated with dust generated by onsite grading activities and as a result of heavy construction vehicle emissions. Construction activities would be phased over a five-year period.

The Northern Parcel of the Project would require a total of 304,100 cubic yards of grading, which would result in the emissions of pollutants from the operation of construction equipment. In addition to equipment-generated emissions, asphalt degassing and employee trips will also generate emissions. Once the Project is partially constructed, many homes within the project site itself would be near other homes under construction, and subject to short-term construction emissions. It should be noted that the Project would reduce long-term PM10 generation because the proposed urban uses would replace an existing agricultural use that would be considered a source of substantial PM10 operational emissions

The City of Lompoc requires implementation of a dust abatement program for individual development proposals as a condition of project approval. In addition, the City requires implementation of equipment specification and other measures to reduce construction emissions as a condition of project approval. The implementation of required dust abatement and construction emissions measures as a condition of project approval would reduce Project construction air contaminant emissions impacts to a less than significant level.

Reference - FEIR page 4.3-8.

4.3 Biological Resources

4.3.1 Less Than Significant Impact B-1. Development of the Project would result in the removal of ruderal and disturbed/agricultural habitat. This is considered a Class III, less than significant impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Approximately 26.23 acres of disturbed (agricultural) and ruderal habitat would be removed from the Northern Parcel or fragmented as part of the

Project. Ruderal and disturbed agricultural habitats are not considered sensitive plant communities and these habitat types are common throughout the region. Therefore, the loss of these vegetation types is not considered a significant impact and no mitigation is required. It should also be noted that 2.57 acres of on-site riparian habitat would remain with the Project.

Reference - FEIR page 4.4-16.

4.4 Hazards

4.4.1 Less Than Significant Impact HZ-3. The project site is located within 0.5 mile of the Lompoc Airport and 5.5 miles of Vandenberg Air Force Base. However, the site is not located within designated safety zones for these airports. Therefore, impacts related to airport hazards would be considered Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - According to the Lompoc Airport Master Plan (City of Lompoc, 1993), typical flight tracks at Lompoc Airport do not traverse the airspace above the project site. The 1993 Airport Master Plan recommends that the Airport Land Use Plan Planning Area height zone, safety zone, and noise zone not extend south of Central Avenue. Therefore, the project site is not located below a substantial overflight area, and is not subject to the Lompoc Airport height zone, safety zone, or noise zone requirements. Refer to Appendix H for a discussion of Project consistency with the policies of the "California Airport Land Use Planning Handbook."

Reference - FEIR pages 4.7-9.

4.4.2 Less Than Significant Impact HZ-4. Rockets are regularly launched from Vandenberg Air Force Base, but the risk of a rocket launching accident impacting the project area is low. The potential hazard is considered a Class III, *less than significant* impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Rockets are regularly launched from Vandenberg Air Force base. The launching area is located near the coast, over 8 miles southwest of the site. Rocket launch trajectories are over the Pacific Ocean. Being that the launch trajectories are over the ocean, in the event that the launch has to be aborted, the debris would fall into the ocean and not on land. The risk of a rocket launching accident impacting the project area is low.

Reference - FEIR pages 4.7-9.

4.5 Land Use

4.5.1 Less Than Significant Impact LU-1. On-site construction activity would create temporary noise and air quality impacts due to the use of construction equipment and generation of fugitive dust. These effects could cause nuisances at adjacent properties and disrupt agricultural activity. However, these impacts would be temporary in nature and, with the implementation of standard City conditions, are considered Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Construction of the Project would occur in phases over a five-year period. The use of construction equipment and generation of fugitive dust during Project construction would increase localized noise levels and result in a temporary reduction in local air quality. It is anticipated that construction activity would take place intermittently as development occurs. Construction activity may therefore cause temporary annoyance to immediately adjacent residential uses.

As discussed in greater detail in Section 4.3, *Air Quality*, of the FEIR, construction-related air quality impacts to adjacent sensitive receptors are considered less than significant with the incorporation of required conditions of project approval. These conditions of approval include dust abatement measures, such as watering construction sites and covering trucks that haul dirt, and other measures to reduce construction emissions, such as construction activity management techniques and substituting clean-burning fuels for diesel fuel used in construction equipment.

As described in Section 4.10, *Noise*, of the FEIR, construction of the anticipated facilities would generate noise levels above City thresholds affecting sensitive receptors adjacent to the site. These construction impacts would be short-term and primarily related to grading, and would be considered Class II, potentially significant, but mitigable. Required conditions of approval would limit the time of day and days of operation and require sound barriers for stationary equipment. Mitigation measures would require proper maintenance of construction equipment and limitations of construction vehicle access routes such that construction vehicles access the site via Central Avenue to the Bailey Avenue site entrances only.

No mitigation measures are required; however, mitigation measures identified in Sections 4.3, *Air Quality*, and 4.10, *Noise*, of the FEIR, would further minimize land use impacts related to construction.

Reference - FEIR pages 4.9-3 and 4.9-4.

4.5.2 Less Than Significant Impact LU-2. Implementation of the proposed residential uses could affect the privacy of adjacent existing residential uses. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions

have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - In accordance with City Zoning Ordinance Article 3 (R-2 Medium Density Residential District), Section 7500 et. seq., the proposed medium density residential uses in the Northern Parcel must be setback at least 10 feet from the rear property line. Preliminary designs provided by the applicant indicate that the proposed residential structures on the Northern Parcel would be up to two stories, with a maximum height of 30 feet. Existing fencing along the eastern site boundary is six to eight feet in height. The duplex units proposed in the northern parcel would be located a minimum of 16 feet from the eastern property line. Therefore, the line of site from the second story of the proposed uses would extend into the backyards of these existing adjacent uses. However, since the proposed uses would be consistent with the required rear yard setbacks pursuant to the City Zoning Ordinance, the Project would not result in significant impacts related to land use incompatibility with the adjacent residential uses east of the site.

Mitigation measures identified in Section 4.1, *Aesthetics*, of the FEIR would reduce impacts related to design incompatibility. No additional mitigation measures are required.

Reference - FEIR page 4.9-4.

4.5.3 Less Than Significant Impact LU-3. The Project would be inconsistent with the existing General Plan land use and zoning designations for the site. The Project requires General Plan amendments and zone changes on the Northern Parcel. If these amendments were approved, there would be Class III, *less than significant* impacts related to consistency with land use and zoning designations for the site.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project would result in the conversion of on-site agricultural and vacant land to suburban uses. The Northern Parcel of the project site is designated General Industrial with a Park Overlay, and Open Space, and zoned Planned Manufacturing (PM). The Project would not be allowable on the Northern Parcel under the existing General Plan and zoning designations. The portion of the Project proposed on the Northern Parcel would require a General Plan Amendment to change the land use designation of the northern parcel from General Industrial with a Park Overlay to Medium Density Residential on 24.71 acres (including a 5.56-acre agricultural buffer on the western site boundary along Bailey Avenue and a 2.57-acre area of riparian habitat south of West Central Avenue) and Community Facility on the proposed 4.09-acre park site. The existing Open Space designation on 9.02 acres of the Bailey Avenue Wetlands is proposed to be retained. The applicant is also requesting a zone change on this parcel from Planned Manufacturing (PM) to Medium Density, Planned Development (R-2, PD), Public Facility, and Open Space.

The project site is located immediately adjacent to existing residential uses to the east. The proposed zone and land use designation changes would not create an island of residential uses surrounded by agricultural uses. If the proposed zone changes and general plan

amendments were approved, the Project would be consistent with zoning and land use designations for the site.

Appendix H of the FEIR contains a detailed discussion of Project consistency with applicable City General Plan policies.

Reference - FEIR page 4.9-5.

4.6 Noise

4.6.1 Less Than Significant Impact N-1. Project construction would be within 12 feet of sensitive receptors (residences east of the site) and could intermittently generate nuisance noise levels at locations on and adjacent to the site. With implementation of conditions of approval, including construction hour limitations, this impact would be Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The operation of heavy equipment during construction of the Project would result in temporary increases in noise in the immediate vicinity of the construction site. Average noise levels associated with the use of heavy equipment at construction sites can range from about 65 to 88 dBA at a distance of 50 feet from the source, depending upon the types of equipment in operation and the phase of construction. The highest noise levels generally occur during excavation and foundation development, which involve the use of such equipment as backhoes, bulldozers, shovels, and front-end loaders. In addition, construction vehicles traveling on local roadways can generate substantial noise levels that affect adjacent receptors.

The sensitive receptors closest to the project site are the existing residences adjacent to the eastern site boundaries. The noise level experienced at sensitive receptors is heavily dependent on the distance from the construction. The sensitive receptors nearest the project site could be exposed to noise levels up to 100 dBA. Based on the City noise level standard of 60 dBA CNEL for sensitive receptors, existing residences would experience unacceptable noise levels during Project construction. In addition, newly developed Project residences would likely experience temporary construction noise levels in excess of City noise level standards.

It should be noted that this analysis also does not account for attenuating factors, like topography or noise impeding structures or vegetation. Actual construction noise levels experienced at adjacent residential uses would be lower due to the existing six- to eight-foot fencing located along the eastern site boundary, which would act as a noise barrier. Depending on the project phase, construction may be a shorter or longer distance from the sensitive receptors and may result in exposure to higher or lower noise levels. The analysis provided above provides a reasonable worst-case evaluation. Although of temporary duration, construction impacts are considered potentially significant. Standard conditions of approval required by the City would apply to construction activities and would reduce construction-related noise impacts to a less than significant level.

Reference – FEIR pages 4.10-6 and 4.10-7.

4.7 Public Services

4.7.1 Less Than Significant Impact PS-1. The Project would increase the number of residents served by the Lompoc Police Department. Due to the Project's location relative to the City center and Police Station, the Project would increase response times. However, upon payment of public facility fees as a condition of project approval, the Project would not substantially affect the personnel, equipment or organization of the Police Department. This is considered a Class III, *less than significant* impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The construction of the proposed residential uses would result in the need for additional Department service. Responding to additional service calls would compromise the Department's response time goal of 3 minutes for emergency calls due to the distance of the project site from the Lompoc Police Department Station (Bailey, 2002).

Payment of public facility fees would be required to compensate the Department for impacts on their services. As a condition of project approval, the project applicant will be required to pay this fee at the time building permits are issued.

It should be noted that adequate emergency response to the site is partially dependent upon the implementation of proposed roadway improvements adjacent to the site, including the widening of Central Avenue.

Reference – FEIR page 4.11-2.

4.7.2 Less Than Significant Impact PS-2. The Project would increase the number of residents served by the City of Lompoc Fire Department. The increase would not substantially affect the personnel, equipment or organization of the Fire Department. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The site access points from the proposed Bailey Avenue frontage road would be located approximately 1.5 miles from City of Lompoc Fire Station #2. City General Plan Safety Element Implementation Measure 16 allows the Fire Chief to require development located in areas beyond the five minute response time to meet more stringent construction code requirements to provide necessary fire protection. The Project would be located within the acceptable response time radius of the nearest Fire Department station. The Project would generate population served by the Fire Department. However, the corresponding increase in calls would not substantially increase response times, and would

not result in the need for additional fire department staff or equipment.

The project applicant would be required to comply with the most recent Uniform Fire Code and implement City fire protection standards as a condition of project approval. According to the City of Lompoc General Plan Safety Element, the project site is located in a “Low” wildland fire hazard zone. The Project proposes to improve Bailey Avenue and widen Central Avenue. In addition, the proposed site plans for the Northern Parcel contains two access points and a looped roadway system. These proposed improvements would ensure adequate emergency access to the site. Therefore, the Project would result in less than significant impacts related to fire protection services.

It should be noted that adequate emergency response to the site is partially dependent upon the implementation of proposed roadway improvements adjacent to the site, including improvements to Bailey Avenue and the widening of Central Avenue.

Reference - FEIR pages 4.11-3 and 4.11-5.

4.7.3 Less Than Significant Impact PS-4. The implementation of the proposed residential units would generate demand for parkland. The project applicant proposes to dedicate on-site parkland to offset Project generated park demand. With dedication of this parkland and payment of required parks fees, the Project would result in Class III, *less than significant*, impacts related to park demand.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project on the Northern Parcel would be expected to generate approximately 635 residents. Based on the City standard of 12 acres of parkland per 1,000 residents, the Project would generate a need for 7.6 additional acres in order to maintain an acceptable parkland to population ratio. As Project features, the Project will dedicate 4.09 acres of land on-site to the City for the future development of a public community park. Therefore, with the dedication of on-site parklands and payment of required parks fees to offset remaining impacts on City parks and recreation facilities, the Project would be consistent with City requirements related to park provision. It should be noted that the Project would remove the park overlay for the 28-acre community park designated in the Northern Parcel in the City General Plan. However, as described in the City of Lompoc General Plan EIR (1997), the City would retain a surplus of 432 acres of community parks under General Plan buildout conditions. Following implementation of the Project features and payment of required parks fees, the Project would result in a less than significant impact.

Reference - FEIR page 4.11-10.

4.7.4 Less Than Significant Impact PS-5. The implementation of the proposed residential units would generate demand for library facilities and services. The Lompoc Library is undersized to serve the current service area population. The project applicant would be required to pay City development impact fees that would offset Project impacts on library facilities. With payment of

required fees, the Project would result in Class III, *less than significant*, impacts related to demand for libraries.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project on the Northern Parcel would generate 635 new City residents that would increase demand for City library facilities. A portion of the development impact fees required for the Project would be applied to the City's general fund. In turn, a portion of the City's general fund would be used to finance improvements to City library facilities and services. As a condition of approval, library fees would be required to be paid prior to issuance of building permits for the Northern Parcel. With the payment of required City development impact fees, the Project would result in less than significant impacts on library facilities and services.

Reference - FEIR page 4.11-12.

4.7.5 Less Than Significant Impact PS-6. The increase in residents from the Project is expected to result in a *less than significant*, Class III, impact on emergency and non-emergency health care services.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - It is estimated that the Project on the Northern Parcel will add an additional 635 residents to the City of Lompoc. The increase in residents is likely to increase the number of emergency calls; however, there are adequate emergency health care facilities to accommodate this increase. Therefore, the impact on emergency services is considered less than significant.

It is estimated that the additional residents would generate at most 1 to 2 additional hospital visitors per day for non-emergency services. Because the Lompoc District Hospital has the capacity to handle this increase, the increase is considered less than significant.

Reference - FEIR page 4.11-14.

4.8 Transportation and Circulation

4.8.1 Less Than Significant Impact T-1. With the implementation of proposed roadway improvements, the addition of Project-generated trips to the study-area roadways and intersections would not result in exceedances of roadway or intersection LOS standards. Class III, *less than significant*, impacts would result.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions

have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Development of the Project would result in the addition of 1,360 average daily trips, 103 A.M. peak hour trips, and 127 P.M. peak hour trips to the study-area roadways and intersections. The City's level of service (LOS) standard for roadway and intersection operations is LOS C. All of the roadways analyzed, except Central Avenue east of Bailey Avenue, are projected to operate at LOS C on a daily basis in the Year 2004 with the addition of Project traffic. Under Year 2004 +Project conditions, Central Avenue east of Bailey Avenue would operate at LOS D on a daily basis where the existing roadway width provides a two-lane undivided roadway. The Project proposes to widen Central Avenue adjacent to the site to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. With the widening of Central Avenue to its master planned cross-section on the side of the roadway adjacent to the project site in conjunction with site development (consistent with the three-lane divided road cross-section located on Central Avenue east of the site), this roadway link would provide LOS A operation on a daily basis. With these proposed roadway improvements, impacts on roadway segments would be less than significant.

With Project-generated traffic volumes added to Year 2004 ambient volumes, the average control delay at all three of the unsignalized key intersections would increase. However, the three unsignalized intersections would continue to provide LOS C or better operation during peak hours on the worst-case minor street approaches. Impacts on unsignalized intersections would be considered less than significant.

The key signalized intersections would operate at an acceptable LOS in the Year 2004 with Project-generated traffic. Following the addition of Project-generated traffic, the change in the average control delay at the signalized key intersections would range from a decrease of 0.8 seconds per vehicle to an increase of 1.2 seconds per vehicle. These changes in average control delay would be insufficient to change the peak hour levels of service at any of the key intersections. Impacts on signalized intersections would be considered less than significant.

The two Congestion Management Program (CMP) intersections operate at LOS C with existing traffic volumes. These intersections are projected to continue to operate at LOS C following the addition of Project-generated traffic. Therefore, the Project would result in less than significant impacts on the two CMP intersections, based on SBCAG threshold criteria.

It should be noted that vehicle trips associated with the community park proposed for dedication in the northwest corner of the site would generate a negligible amount of vehicle trips that would primarily occur during non-peak periods.

Reference - FEIR pages 4.12-16 through 4.12-18.

4.8.2 Less Than Significant Impact T-2. The Project would provide adequate site access to the Bailey Avenue frontage road and adequate internal circulation. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions

have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Northern Parcel would be accessed from two points along the Bailey Avenue frontage road. Direct access would not be provided to the project site from North Avenue or Central Avenue. The internal Project roadway system for the Northern Parcel would be publicly owned and maintained by the City of Lompoc. Both access locations appear to have adequate spacing and site distance. The two access locations on the northern parcel would be separated by approximately 400 feet.

A Bailey Avenue frontage road would be installed east of the existing Bailey Avenue farm road and proposed agricultural buffer along the western boundary of the site. Provisions for on-street parking are not considered necessary for Bailey Avenue because the Project proposes a minimum 180-foot-wide agricultural buffer along the western site boundary.

Internal Circulation. The Project site plan involves a circular internal street system for the Northern Parcel. The main circular access to the Northern Parcel would feature a 40-foot roadway width with two 20-foot travel lanes and no parking. All other access roads on the Northern Parcel would feature a 24-foot roadway width with additional area provided for parking. These internal access roadways would provide for sufficient internal circulation.

Reference - FEIR page 4.12-19.

4.8.3 Less Than Significant Impact T-3. The Project would provide an adequate number of parking spaces according to City standards. This would generate a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Parking requirements for duplexes and other multi-family dwelling units within a Planned Development (PD) district vary according to the number of bedrooms, as follows: studio, bachelor, and one-bedroom units require 1 garage space and 0.5 open spaces per unit; and two- and three-bedroom units require 1 garage space and 1 open space per unit. The Project proposes two garage spaces and two uncovered spaces per duplex on the Northern Parcel, and 160 uncovered spaces for the apartment units on the Northern Parcel. With a Zone Change to Planned Development (PD), the Project would be consistent with the zoning ordinance requirement to provide garage spaces for apartments. Nevertheless, the Project would provide adequate parking capacity for the proposed uses. Therefore, the Project would not result in overspill of parking into undesignated areas, and less than significant impacts would result.

Reference - FEIR page 4.12-20.

4.9 Utilities

4.9.1 Less Than Significant Impact U-2. Development of the Northern Parcel of the site would

increase the amount of wastewater treated at the LRWWRP by about 0.04 million gallons per day. The effect of the increased wastewater treatment is considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The existing 21-inch sewer line located west of the project site and within Bailey Avenue would be sufficient to serve the wastewater generated by the Project. Using the City's water demand rates, development of the Northern Parcel of the site would demand 71.8 AFY of water. Assuming that 60 percent of that amount becomes wastewater, the proposed residential units will generate a total of 43.1 AFY of wastewater. Therefore, the Project would result in a worst-case wastewater generation of about 0.04 million gallons per day (mgd). The daily wastewater generated by the Project is equivalent to about 0.8% of the 5 mgd treatment capacity of the LRWWRP. Wastewater treatment requirements are not anticipated to cause the current facility to exceed its design capacity. It should be noted that City Ordinance 1334 (90) and implementing Resolution No. 4988(02), which requires implementation of a water conservation program or payment of in lieu fees to the City for water conservation, would apply to the Project and would result in reduced wastewater generation. The project applicant would be required to pay wastewater connection fees to the City as a condition of project approval. With the payment of these fees, impacts would be less than significant.

Reference - FEIR pages 4.13-5 and 4.13-6.

5 FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE AVOIDED OR MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds, based upon the threshold criteria for significance presented in the FEIR, that the following potentially significant environmental effects of the Project can be avoided or reduced to insignificance with feasible mitigation measures identified in the FEIR and adopted by the City as conditions of project approval. No substantial evidence has been submitted to or identified by the City that indicates that the following impacts would, in fact, occur at levels that would necessitate a determination of significance.

5.1 Aesthetics

5.1.1 Potentially Significant Direct Impact AES-1. The proposed development has the potential to alter the aesthetic character of the site vicinity through alteration of views from public viewing locations (including locally-designated scenic roads), introduction of community design elements that may be aesthetically inconsistent with the surrounding area, introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to urban (residential) condition. This is considered a Class II, *potentially significant but mitigable*, impact to the aesthetic character of the area.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guideline Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The project site would not be substantially visible from any State-designated scenic highways or routes. However, the City General Plan designates Floradale Avenue, west of the site, and the portion of Ocean Avenue south of the project site as local scenic roads. As stated in City General Plan Urban Design Element Policy 1.3, “The City shall protect and enhance the views along the scenic roads noted on the Scenic Ridgelines and Roads map.” The project site is within a distant visible area adjacent to these roadways due to its location on flat terrain and the lack of substantial intervening structures and vegetation between these viewpoints and the site. The Project would involve the removal of existing vegetation to accommodate the proposed development, although the Project would maintain as open space the portions of the site that contain wetland and riparian habitat. Preliminary designs provided by the applicant indicate that the proposed residential structures would be up to two stories, with a maximum height of 30 feet. The proposed buildings would partially block views of on-site vegetation within the central riparian/wetlands area from off-site viewpoints. However, it should be noted that partial views of taller vegetation would be retained. Landscaping on the project site would not fully block views of development; however, it is anticipated to soften the views by creating additional greenery. The Project would result in a graded, landscaped surface and structures that would be visible from several off-site viewpoints.

City of Lompoc General Plan Urban Design Element Implementation Measure 22 states, “The City shall condition approval of individual development proposals to assure that development shall preserve important view corridors, where feasible, by identifying and preserving the attributes of the view corridor that characterize its significance (e.g., framing elements and presence or absence or impinging details) as seen from roadways, pedestrian paths or other public vantage points to avoid view obstruction.” In addition, General Plan Land Use Element Policy 2.5 states, “The City shall encourage creative site designs in residential developments which address natural constraints and protection of aesthetic qualities.” As described in the paragraphs below, the Project involves development of residential structures on the Northern Parcel that would block views of the existing central on-site natural riparian/wetland habitat from public vantage points. This would be considered a potentially significant impact. Mitigation measures AES-1(a) and AES-1(b) require project revisions that will provide public viewing opportunities and reduce the impact to less than significant.

Floradale Avenue Viewshed. The entire length of Floradale Avenue, which is located approximately ½ mile west of the project site at its closest point, is designated in the City of Lompoc General Plan as a scenic road. Proposed residential units, landscaping, and other facilities proposed in the western portion of the site would be visible from northbound and southbound travelers along Floradale Avenue. Existing views of the project site from Floradale Avenue, east toward the project site, currently feature flat croplands in the foreground and middleground, with the central on-site riparian/wetlands area, and existing urban (residential and wastewater treatment plant) development in the background. The proposed improvements respective to these viewpoints would increase the amount of background urban development visible from these viewpoints. In addition, the proposed residential structures would partially block views of the central on-site riparian/wetlands area, although these vegetative features are difficult to visually distinguish in the background from this viewshed. However, due to the distance between Floradale Avenue and the project site and the proposed provision of an on-site east-west viewing corridor that preserves views of the central on-site riparian/wetlands area, views of the project site from

this viewshed would be visually subordinate to other visual features. Therefore, the Project would result in less than significant impacts on views from this public viewing corridor.

Ocean Avenue/Highway 246 Viewshed. Ocean Avenue, which is located approximately 1 mile south of the site, is designated as a scenic road from Z Street west to the road's western limit. Existing views of the project site, looking north from Ocean Avenue viewpoints, include agricultural uses and associated structures and vegetation in the foreground, with residential uses in the background. The on-site riparian/wetlands areas are visible from these viewpoints, but difficult to visually distinguish against the background hillside. Proposed structures and other improvements, would be slightly visible in the distance from Ocean Avenue viewpoints. The proposed improvements respective to these viewpoints would increase the amount of background urban development visible from these viewpoints. However, due to the distance between Ocean Avenue/ Highway 246 and the project site, views of the project site from this viewshed would be visually subordinate to other visual features. Therefore, the Project would result in less than significant impacts on views from this public viewing corridor.

Central Avenue Viewshed. The portion of Central Avenue between Floradale Avenue and Bailey Avenue is designated as a "City Entry" in the City of Lompoc General Plan. City of Lompoc General Plan Urban Design Element Implementation Measure 1 requires this City entryway to be identified and enhanced. Existing views of the project site looking southeast from Central Avenue viewpoints include agricultural uses and associated structures and vegetation in the foreground, with the central on-site riparian/wetlands vegetation in the middleground. In addition, the northern on-site riparian woodland area would be visible in the foreground from viewpoints along Central Avenue adjacent to the eastern portion of the site. Proposed structures and other improvements would be visible from several Central Avenue viewpoints. The proposed improvements respective to these viewpoints would increase the amount of middleground urban development visible from these viewpoints. However, the provision of a community park in the northwest corner of the Northern Parcel would soften views of the site improvements. Since the proposed development would be visible from some portions of this designated City Entry roadway and would block views of on-site scenic resources, the Project would result in potentially significant impacts on views from this public viewing corridor.

Light and Glare Impacts. Site illumination provides safety for vehicular and pedestrian movement, and increases security. It can also serve to interpret the plan arrangement by giving emphasis to focal points, gathering places, landscaping, and building entrances. Well-conceived lighting gives clarity and unity to the overall site and to each subarea within it. At the same time, the introduction of new lighting into an unlit area would extend the light glow of an urban area further into rural areas, proportionally affecting the urban light glow in the nighttime sky.

At present there is minimal nighttime lighting of the project site. However, implementation of the Project would require additional lighting that could be visible from the residences located to the east of the site. Streetlights, entry lights, and interior lights have the potential to adversely affect nearby residences and degrade the nighttime view of the area. In addition, the community park in the northwest corner of the site could include night lighting for security and/or aesthetic purposes. Project streetlight height limitations, and requirements for architectural compatibility with surrounding development would be incorporated into the Project as conditions of approval. Nevertheless, the addition of homes,

accent lighting, and streetlighting in this area would contribute to an alteration of the rural character of the site and area.

Sources of glare that may affect nearby residences would be building exterior materials, surface paving materials, and vehicles traveling or parked on roads and driveways within the project area. Any highly reflective facade materials would be of particular concern, as buildings would reflect the bright sunrays. Typical multi-family building materials would not be expected to generate significant glare. Project impacts related to glare would be considered less than significant.

Based on the above discussion, the proposed development has the potential to alter the aesthetic rural character of the site vicinity by changing the scenic views from public viewing locations, blocking views of on-site natural areas, and introducing new light generators into the area.

Mitigation Measures - Based upon the analysis presented in Section 4.1 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP.

Mitigation Measure AES-1(a): View Corridor. The applicant shall slightly relocate proposed structures and provide a pedestrian access easement between the community park area and central on-site wetlands/riparian habitat that will provide a public viewing corridor from Central Avenue viewpoints.

Mitigation Measure AES-1(b): Viewing Platform. The applicant shall provide a pedestrian easement for a public viewing platform in the location of the existing sanitary sewer easement in the central portion of the site.

Reference - FEIR pages 4.1-3 and 4.1-9 through 4.1-11.

5.2 Biological Resources

5.2.1 Potentially Significant Direct Impact B-2. Project development could directly and indirectly affect the quality of on-site sensitive vegetation communities, including Central Coast Arroyo Willow Riparian Forest and Wetlands, which may be considered jurisdictional by the California Department of Fish and Game (CDF&G) or Regional Water Quality Control Board (RWQCB). This is a Class II, *potentially significant, but mitigable* impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guideline Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Project facilities are proposed to be located outside designated on-site riparian and wetlands habitats. These habitat types are recognized by the California Natural Diversity Database (CNDDDB) as rare habitats. The past losses of riparian habitat in the region have resulted in a decline in the population of certain plant and wildlife species that are uniquely associated with this habitat type. The Project would not directly encroach into the central on-site riparian/wetland area. However, the Project proposes to widen Central Avenue adjacent to the project site, which would require removal of a narrow strip of the riparian habitat

located in the northeastern portion of the site. The on-site riparian habitat may be under the jurisdiction of CDFG. Therefore, if the Project involves the removal of limbs or trunks of riparian vegetation with a diameter of 3 inches or greater, the Project may require issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code, for the widening of Central Avenue. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. With the avoidance of jurisdictional areas and/or attainment of a permit pursuant to Section 1600 of the State Fish and Game Code, the Project would result in less than significant impacts related to jurisdictional areas.

Although the Project would not directly remove any portion of these habitats, proposed development could indirectly impact the habitats. Discharges to wetlands and waters are subject to a Federal Clean Water Act (CWA) Section 401 certification from the RWQCB. Runoff from construction could have short-term significant impacts to on-site depressions if not properly mitigated. Silt, sedimentation, or run-off from construction practices, including oil and grease, could affect water quality in on-site depressions and in turn affect the species residing in or utilizing these areas. Long-term water quality impacts could also occur as a result of urban contaminants in Project runoff. Adverse effects on the water quality of on-site riparian and wetlands areas, could pose a risk to these habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) roadways would become point sources for runoff into habitat areas; and (c) residential landscaping, including community park, pesticides, fertilizers, and herbicides would be introduced onto the site. The project site would incorporate biofiltration swales along the western site boundary that would filter contaminants from runoff. Since the on-site riparian and wetlands areas are not hydrologically connected to additional downstream water courses, Project water quality impacts would be limited to these areas. It should be noted that the vegetation within the on-site riparian and wetlands areas has had to adapt to existing poor water quality associated with agricultural runoff from the site. Implementation of the proposed residential uses would involve the elimination of agricultural production from the site, which would result in a net benefit to runoff water quality. Potential impacts associated with on-site and downstream water quality are further discussed and mitigated in Section 4.8, *Hydrology and Water Quality*, of the FEIR.

A 400-foot area to the south of the buffer would be used to contain soils contaminated with arsenic by the farming operation on the site. It should be noted that the required implementation of a one-foot thick sub-cap of 10^{-6} cm/sec clay material to be placed below the clean soil cap in the arsenic-impacted soil storage area to limit water infiltration would reduce to a less than significant level potential impacts related to water leaching through the arsenic-impacted soils stockpile to the groundwater table. The implementation of the required sub-cap would eliminate the threat of water leaching through the impacted soils (Steven Nailor, Senior Hazardous Materials Specialist, County of Santa Barbara Protection Services Division, Hazardous Materials Unit, Telephone Communication, November 4, 2002). Therefore, residual and stockpiled arsenic-impacted soils would not substantially affect the on-site habitat areas. Refer to Section 4.7, *Hazards*, of the FEIR.

According to the "Bailey Riparian Area Water Supply Study" (Cleath & Associates, 2002), the central on-site riparian/wetland area forms ponded water during high ground water conditions in the underlying shallow aquifer, but headward erosion does not allow for long-term ponding. Because of this intermittent ponding and stream flow, water availability

supporting riparian vegetation in this area has been limited, allowing for growth of water-bearing plants that could survive extended dry periods, such as willows. The proposed development will introduce impervious surfaces in the form of paved roadways, rooftops, sidewalks and other flatwork. The Project proposes to capture runoff flowing across and within the property boundaries, and to direct flows into bioswale areas located within the agricultural buffer in the western portion of the site. Habitat impacts could occur as a result of a decrease of water to the on-site riparian and wetland areas. Surface waters during storm events within the remaining depressions would be conveyed to the central on-site riparian/wetland area, thereby sustaining the hydrology necessary to support wetland areas. In addition, the implementation of the proposed residential uses involves connections to City water supplies and the elimination of pumping of groundwater from on-site wells for agricultural irrigation. Construction of the proposed impervious surfaces would slightly reduce groundwater recharge, and return water from pumped agricultural flows would no longer enter the hydrologic system. Nevertheless, Project drainage design features that allow water from the proposed bioswales to flow into the central on-site riparian/wetland area, would result in a net increase in flows to this area (Cleath & Associates, 2002). Therefore, no impacts would occur to water dependant animals, plants, and communities within these areas.

Construction-related dust could collect on vegetation within the on-site sensitive habitat areas that could result in vegetation mortality. In addition, construction equipment could damage habitat if not properly confined to the development area. Implementation of standard City dust control conditions of approval, as described in Section 4.3, *Air Quality*, of the FEIR, would ensure that such impacts would be less than significant.

Increased human and domestic animal presence could result in long-term impacts to the sensitive on-site habitats. The effects on sensitive habitats from this source would include vegetation trampling, trash and animal waste accumulation, vandalism and the spread of non-native noxious weeds. Project development would intentionally and unintentionally introduce or maintain non-native invasive plants through landscaping of new residences/structures, the community park, and streets. Project buildout may result in the spread of non-native plants through disturbance and escapes of ornamentals. Invasive species often out-compete native plant species for space, light, and nutrients. Furthermore, non-native invasive species typically produce large quantities of seed or reproduce through asexual reproduction, therefore, making control of these species difficult, especially once established.

The Project proposes setbacks of 25 feet between the on-site riparian/wetland areas and proposed site improvements, with the exception of the proposed encroachment of the widened Central Avenue into the northeastern riparian area. Without incorporation of additional measures to protect sensitive habitat, this setback would not be adequate to ensure protection of the on-site riparian/wetland areas from intrusion related to human activity, domestic animals, lighting, and non-native plants. This would be considered a potentially significant impact.

Mitigation Measures - Based upon the analysis presented in Section 4.4 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Mitigation Measure B-2(a): Construction Practices. Construction equipment shall be confined to roadways, building pads, and designated staging areas, by implementing, at a minimum, the following measures:

- Vehicular traffic shall not enter the riparian setback areas;
- Erect temporary barriers to designate the limits of the riparian setback areas. Barriers shall be sturdy protective fencing consisting of orange construction netting supported by metal staking at 8-foot intervals. Silt fencing shall also be located and properly installed around the perimeter of all construction areas, to protect the riparian/wetlands areas and setback areas from siltation;
- Post signs and fences designating restricted areas;
- Prohibit staging, lean-out, concrete washout, and fueling areas in or adjacent to the riparian/wetlands setback areas;
- Limit the temporary storage of construction equipment to a minimum of 100 feet away from the top of bank of on-site riparian/wetland areas or edge of riparian canopy, whichever is more restrictive;
- Limit areas of disturbance to 15 acres at any one time to reduce the impacts of dust on sensitive riparian and wetlands habitats. Cover or stabilize areas of stockpiled sand, soil, or similar materials, with the use of a chemical fixative. Prohibit such stockpiles within the riparian/wetland setback area. Schedule major grading to occur during morning hours only (i.e., before 12:00 pm). Cease all major grading if winds exceed 15 mph on-site at any time. Use tarpaulins or other effective covers when transporting materials to and from the project site during grading, excavation, or construction activities; and
- Conduct worker training education programs to inform all personnel of the requirements for protection of the sensitive natural resources that occur within or adjacent to the work areas.

In addition, a qualified biological monitor with experience in biological construction monitoring shall be designated and shall conduct pre-construction meetings with all construction personnel to discuss protection measures and identify specific areas of concern (e.g., riparian and wetland habitat areas). Only workers that have attended the pre-construction meeting and signed an agreement to observe all of the conditions and protective measures shall be allowed to work on-site.

Mitigation Measure B-2(b): Sediment and Erosion Control Plan. The applicant shall prepare and submit for approval of a sediment and erosion control plan that specifically seeks to protect waters and riparian/ wetland resources downstream of construction activities. All applicable City of Lompoc construction best management practices (BMPs) shall be implemented (refer to Appendix L of the FEIR). Erosion control measures shall be implemented to prevent runoff into the on-site depressions. Silt fencing, fiber rolls, gravel bags, mulching erosion control blankets, and soil stabilizers and storm drain filters, shall be used in conjunction with other methods to prevent erosion and siltation of the depression areas. The plan shall also address frequency of sediment removal from bioswales and location of spoil disposal. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.

Mitigation Measure B-2(c): Riparian and Wetland Buffers. Development envelopes shall

be located so that all riparian and wetland habitat, including the central on-site riparian/wetland habitat, and Central Avenue riparian habitat, is buffered from development (including grading and structures) by an average 40-foot setback with a minimum setback of 25 feet. Setback distances shall be measured from the outside edge of the dripline of existing vegetation or top of bank in the riparian and wetland area, whichever is more restrictive. Passive use recreational trails and/or overlooks will be allowed within the setback area, provided that they do not remove jurisdictional habitat. In such trail areas, the Property Owner's Association (POA) shall provide for maintenance and management activities (e.g., trash removal, regular weed abatement, and policing to ensure users comply with the goals of the management plan for the on-site wetlands areas) of the trail, setback area, and associated natural resources. A pervious walking path may be constructed at the outermost edge of the setback area (i.e., furthest 15 feet). The walking path shall only be open from dawn to dusk. The riparian and wetland habitat area and average 40-foot buffer zone (minimum 25-foot) for preserved riparian/wetland areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators. The applicant shall provide a conservation easement and access easement for all on-site riparian and wetland areas, as well as the wetland setback/buffer area.

The riparian and wetlands setback area shall be planted in native vegetation. Ornamental and non-native vegetation shall be prohibited in the setback area. Areas within the landscape buffer shall be revegetated within 60 days of grading activities, with deep-rooted, native, drought-tolerant species to minimize erosion potential. A landscape plan prepared by a botanist or landscape architect shall be provided to address landscaping within the setback areas. The plan shall include the number, type, size, location and distance-on-center of plant material. The native landscaping shall be dense between the metal fencing and the riparian area/top of bank. The landscape plan shall include success criteria and a monitoring program. Seasonally-timed weed abatement activities shall be implemented by the POA and monitored by a designated biologist. An area designated for native riparian habitat restoration shall be incorporated into the riparian setback area to transition into the existing riparian vegetation.

If implementation of the recommended setback for the Central Avenue Riparian Area is not feasible due to physical, economic, or other constraints, then the applicant shall contract a qualified biologist to identify the number, size, and type of trees and large shrubs, including branches and trunks with a diameter of over 3 inches, within the on-site riparian and wetlands habitat. Any removed riparian or wetland vegetation shall be replaced on-site at a ratio of 3:1 to 5:1, depending on species, as determined by a qualified biologist. The applicant will file a performance security with the City to complete restoration and maintain plantings for a five (5) year period. Encroachment into either the Central Avenue Riparian Area or Bailey Wetland Area may require issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code.

Regardless of the ultimate buffer distance, the POA shall hire a qualified biological monitor to oversee the monitoring and maintenance programs for the setback/buffer area to ensure trash accumulation, vandalism and the spread of non-native noxious weeds does not occur. Inspections shall occur weekly during Project construction, and twice per year over the life of the Project to verify compliance with the Management Plan, and may be required more frequently if trash accumulation, vandalism or other maintenance issues are regularly observed. The qualified biological monitor shall produce regular (at least twice per year)

monitoring reports submitted to the City following each monitoring visit. These inspections and maintenance shall be documented by the biological monitor and submitted to the Community Development Department for review. The biological monitor shall have the authority to stop all work immediately that is considered to be in violation of one or more permit conditions, at the sole discretion of the biological monitor.

Mitigation Measure B-2(d): Wetland Management. The applicant shall contribute funds, in an amount to be determined by the City, as a fair share proportion of the Bailey Wetland Management Plan and maintenance costs. This contribution shall be added to previously contributed monies deposited as a condition of development of the Elwood Estates and Willows Manufactured Home Park. The maintenance fund is designed to address impacts to the site resulting from the location of residences adjacent to the wetlands, such as the addition of ornamental landscaping, domestic pets, vandalism, and increased pedestrian traffic.

Mitigation Measure B-2(e): Exclusionary Fencing. Public access to the Bailey Wetlands shall be prohibited. A six-foot-high metal fence with approximately five-inch spacing between the slats shall be installed around the two on-site riparian/wetland areas (adjacent to Central Avenue and at the Bailey Wetlands) to prevent human and pet access to the sensitive biological resources associated with this area. The fence shall not have horizontal crossbars. The fence shall be installed approximately 15 feet from the top of bank of the riparian/wetland areas and the native riparian vegetation canopy, whichever is more restrictive. Fences shall be designed to ensure visibility for security purposes, and discourage domestic pet or vehicular and pedestrian access. Maintenance vehicle access to the existing on-site sanitary sewer facilities shall be maintained via a gate. Native woody vines and thorny shrubs shall be planted along the fenceline to hide the fence and prevent encroachment. Vegetation shall be locally-native species. The developer shall hire a qualified biologist to ensure that the protective fencing is placed prior to the initiation of Project construction. The qualified biological monitor shall periodically review site conditions during construction and annually review the conditions following construction to ensure compliance. Holes dug under the fence by animals and any potential vandalism problems shall be repaired as soon as detected.

Mitigation Measure B-2(f): Non-Native Plant Species Avoidance. In order to ensure that Project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a City-approved biologist. All invasive plant species shall be removed from the landscaping plan. Whenever possible, plant material from regionally collected stock shall be used where subdivision landscaping specifications call for native species. In addition, the applicant shall provide to new residents a list of discouraged landscaping materials (refer to Appendix K of the FEIR). Any landscaping by private property owners adjacent to the riparian/wetland areas shall be confined to their property and shall not include any known non-native pest plants or inappropriate plant material that could potentially invade the protected riparian and wetland habitat areas, as determined by a qualified biologist.

Mitigation Measure B-2(g): Educational Signage. Signs describing access restrictions and the protected biological resources within the on-site riparian/wetlands areas, including the native habitat types and wildlife that occur within these areas shall be erected at key locations to ensure users of the site and the riparian buffer zone are informed of the sensitive biological resources present and the need to limit human access to the site. Signage shall

include descriptions, illustrations, and photographs of native habitat types and wildlife that occur within the riparian/wetlands areas. In addition, all Project storm drains shall contain lettering informing the public that the runoff inlets drain into the river or wetland. Additionally, information shall be provided in the form of a pamphlet to future homeowners and renters at the time of transfer or lease of real property. The pamphlets shall include a description of the kinds of vegetation and wildlife expected to be found in the riparian/wetland areas, their significance and reasons why access should be limited. The educational signage and information shall be printed in English, Spanish, Braille, and other common languages to the Lompoc vicinity to ensure all users understand the rationale behind protecting riparian and wetland habitat areas.

If the Project requires issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code for the widening of Central Avenue, the following mitigation measures will be required.

Mitigation Measure B-2(h): Central Avenue Widening Fish and Game Permitting. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan will be required to be written and implemented by a qualified biologist, and may include the following components:

- Mitigation plantings for the loss of existing riparian habitat should be located in the depression areas that are proposed to be modified or preserved as part of the proposed Project to the fullest extent feasible. The compensatory program should provide a minimum 3:1 ratio of area to that impacted. However, agency permitting may require a higher ratio.
- As part of the plan, the applicant will prepare and submit for approval a mitigation-phasing plan to ensure that all restoration plantings are in place with sufficient irrigation prior to site occupancy.
- Removal of native species in the habitat areas that are to be retained will be prohibited.
- Prior to commencement of grading, the applicant will file a performance security with CDFG to complete restoration and maintain plantings for a five (5) year period; and
- Construction areas will be restricted to those areas shown on site Grading Plans in order to avoid impacts to native vegetation and sensitive habitats. Construction area boundaries will be staked in the field. Construction envelopes will be designated on all grading and building plans.
- A qualified biologist/wetland scientist knowledgeable about biological permit requirements will monitor all grading activities within 100 feet of any jurisdictional habitats to ensure applicant compliance with permit conditions. The monitor will have the authority to immediately stop all work that is considered to be in violation of one or more permit conditions, at the sole discretion of the monitor. The monitor will prepare inspection reports on a weekly basis, unless more frequent submittals are considered necessary.

Mitigation Measure B-2(i): Water Quality and Habitat Protection. The following measures would be required as mitigation for impacts identified for the Project:

- The applicant shall ensure that the City's construction BMPs are included in the required SWPPP and implemented on-site.
- The slopes within the buffer zone shall be graded away from the wetlands.
- Sediment barriers shall be provided around the perimeter of the riparian area.
- Grading and clearing shall be completed during the dry season, normally April 15 through October 15.
- The areas of bare soil that are exposed at any one time shall be minimized.
- Cut and fill slopes and areas exposed by construction activity shall be stabilized during and after construction.
- No direct discharge of pollutants or stormwater runoff into the Bailey Wetlands shall occur, either during construction or after development.
- No areas shall drain to the wetlands directly. The site shall be graded and stormwater improvements installed to ensure that the water from the site drains to the combined structural filter/bioswale area.
- The bioswale and structural filter shall be inspected and maintained before and after the rainy season.
- Plastic shall be placed over any ground surface where fueling or equipment maintenance is to occur.
- Drip pans shall be placed under equipment parked on-site.

Reference - FEIR pages 4.4-16 through 4.4-24.

5.2.1 Potentially Significant Direct Impact B-3. Project implementation would result in indirect impacts on the populations and available habitat of wildlife in general, including special-status species. Because of the sensitivity and quality of existing on-site habitats, and potential presence of a number of sensitive wildlife species on-site, the loss of wildlife habitat is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Potential long-term impacts to wildlife are related to construction noise and human presence. Specific impacts include the disruption of patterns of habitat use, displacement of individuals, disruption of breeding habits, disruption of wildlife movements, and night lighting.

Impacts to Wildlife in General. The vegetation changes associated with Project development would reduce the acreage of the vegetation along the Central Avenue corridor. Project development would likely result in increased mortality to species that continue to utilize the project site after development due to domestic and feral animal predation and collecting, as well as attrition of important prey resources for wildlife.

A wide variety of wildlife species could be adversely affected by the presence of lights from the proposed development. Nocturnal species that rely on darkness to hunt or evade predators would be targeted, including owls, nighthawks and rodents. Certain species of aerial-foraging bats may be helped by night lighting because of their attractiveness to prey items such as flying insects.

Impacts to Special-Status Wildlife. The special-status species listed in Table 4.4-2 of the FEIR, if present on the project site, are likely to be impacted by indirect activities associated with Project implementation. Special status wildlife species expected to occur on the project site include several raptor species, as well as yellow warbler, least Bell's vireo, and southwestern willow flycatcher. Of these species, only yellow warblers were identified on-site during focused species surveys. Development of the project site would not directly remove potential raptor nesting habitat, but could result in indirect impacts on sensitive wildlife species due to disturbance from increased noise, lighting, and human and domestic animal activity on the project site.

Impacts to Wildlife Movement Barriers. Roads and other improvements often fragment habitat patches thereby affecting wildlife movements. Barriers to movement such as roadways are disproportionately greater for small-sized animals, but even large mammal movements are affected by these features. Most of the impact to larger animals results in re-adjustment of home ranges, breeding territories, and foraging habits in response to changes in prey movements. The proposed improvements would create a barrier to movement between the two on-site riparian/wetland areas. However, since active agricultural uses historically and currently separate these two areas, the site has limited potential for wildlife movement between these areas. Therefore, Project impacts on wildlife corridors would be less than significant.

Impacts Related to Invasive Non-Native Species. Project development would intentionally and unintentionally introduce or maintain non-native animals such as house sparrows, European starlings, dogs, cats, Norway and black rats, and house mice to the project site. In addition, Project development would intentionally and unintentionally introduce or maintain non-native invasive plants through landscaping of new residences/structures and streets. The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in several ways: 1) by out-competing native species for food; 2) predation; 3) and habitat alteration. Pedestrians, for example, may alter habitat, particularly for ground-dwelling sensitive species, such as the northern harrier and burrowing owl, which feed on or near the ground. Project implementation may result in the spread of non-native plants through disturbance and escapes of ornamentals, as described in Impact B-2. This could potentially impact wildlife, including sensitive species due to loss of food resources and cover.

Although not a direct impact to wildlife, the introduction of domestic cats and dogs could create conflicts between predators such as coyotes and domestic animals. Residents may kill such predators, with the possibility that other non-predator species could be affected.

Impacts to Water Resources. Adverse effects on the water quality of the on-site riparian/wetland areas could pose a risk to the species that use them. The introduction of sediments, fuels, oils, solvents, pesticides, fertilizers, herbicides, and animal waste to these watercourses is considered a potentially significant impact on wildlife. Potential impacts associated with on-site and downstream water quality are further discussed and mitigated in Section 4.8, *Hydrology and Water Quality* of the FEIR.

Mitigation Measures - Based upon the analysis presented in Section 4.4 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP.

Mitigation Measure B-3(a): Ground Disturbance Timing. In order to avoid impacts to nesting birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities for each Project phase within 500 feet of riparian/wetland areas shall be limited to the time period between September 1 to March 31 if feasible. If initial site disturbance and grading cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, then all construction work shall be conducted at least 500 feet from the nest until the adults and young are no longer reliant on the nest site, as determined by a qualified biologist. If no active nests are found during the pre-construction survey, construction, grading, and tree removal can be initiated. A report detailing the survey activities and results shall be prepared by the biologist and submitted to the City's Planning Division, prior to the issuance of grading permits.

Mitigation Measure B-3(b): Pet Brochure. The applicant shall prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site; similarly, inform potential homebuyers of the potential for coyotes to prey on domestic animals.

Mitigation Measure B-3(c): Night Lighting Standards. The following standards pertaining to night lighting shall be added to the Project's design guidelines:

Night lighting of public areas shall be kept to the minimum necessary for safety purposes, as follows:

- Exterior lighting within 100 feet of on-site riparian/wetland areas shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting shall be low intensity.
- Use of permanent high-intensity floodlights on residential lots shall be restricted and all residential lighting shall be shielded.
- Light sources at the edge of the riparian canopy shall be no more than one foot candle.

Where structures are located adjacent to riparian and wetland setback areas, building materials shall not produce glare that would adversely impact the habitat, as determined by a qualified biologist. Windows shall not be mirrored.

Mitigation Measure B-3(d): Brown-headed Cowbird Monitoring. A qualified biologist shall conduct annual assessments of the presence of brown-headed cowbird within the riparian/wetlands areas. Any brown-headed cowbirds young found parasitizing another species shall be removed from the nest and exterminated by a qualified biologist.

Reference - Amendment to EIR page 9-9

5.3 Cultural Resources

5.3.1 Potentially Significant Direct Impact CR-1. There is the potential that Project construction will disturb previously unidentified buried archaeological deposits and/or human remains. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Given the presence of recorded archaeological sites in the project vicinity, there is potential for buried archaeological deposits to occur within the project site. Construction in areas not known to contain archaeological resources may nevertheless affect previously unidentified resources, given the cultural sensitivity of the project area. This would be considered a potentially significant impact unless mitigation is incorporated.

Mitigation Measures - Based upon the analysis presented in Section 4.5 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure CR-1(a): Archaeological Resource Construction Monitoring. At the commencement of Project construction, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological and/or historic artifacts are encountered during Project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented.

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:

- I. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 1. The coroner has 24 hours to notify the Native American Heritage Commission.
 2. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.
- II. Where the following conditions occur, the landowner or his authorized representatives shall repatriate the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity will be pursuant to the discretion of a Chumash representative if a descendent is either not identified or fails to respond to notification.
 - A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - B. The descendent identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Mitigation Measure CR-1(b): Halt Work Order. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.

Reference - FEIR pages 4.5-5 through 4.5-7.

5.4 Geology and Soils

5.4.1 Potentially Significant Direct Impact G-1. Although the project site is not located in the vicinity of any active or potentially active faults, the region in general is subject to seismic activity. Ground shaking has the potential to cause fill material to settle, destabilize slopes, and cause physical damage to structures, property, utilities and road access. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The project site is located approximately 89 kilometers from the San Andreas Fault and about 20 kilometers from the Santa Ynez Fault. Probabilistic ground accelerations for the site should be considered along with ground shaking hazards. The California Division of Mines and Geology (CDMG) Seismic Shaking Hazard Maps of

California (1999) lists a 10% probability of experiencing 0.25-0.35g peak horizontal ground acceleration within the next 50 years for the region.

Besides the direct physical damage to structures caused by ground shaking, marginally stable landslides, slopes, and inadequately compacted fill material could move and cause additional damage. Gas, water, and electrical lines could be ruptured due to groundshaking, or broken during movement of earth caused by the earthquake, which could jeopardize public safety. Impacts related to seismic groundshaking would be considered potentially significant.

Mitigation Measures - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-1(a): Building Code Compliance. Aboveground structures shall be designed and built according to the most recent State and local adopted Building Codes.

Reference - FEIR page 4.6-10.

5.4.2 Potentially Significant Direct Impact G-2. Soils at the site have the potential to present soil-related hazards (expansiveness) to structures and roadways on the project site and are considered Class II, *potentially significant, but mitigable*, impacts.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Expansive soils have a clay content and mineralogy that renders them susceptible to volume increase upon absorption of water and volume decrease upon drying. Repeated cycles of wetting and drying of expansive soils can cause severe distress to roadways, foundations, and concrete flatwork.

Approximately 85-90% of the proposed development would occur on soils considered to have a moderate potential for expansion. Structures and facilities constructed on these soils, as well as occupants of the proposed facilities, could be exposed to hazards related to expansive soils. Impacts related to expansive soils would be considered potentially significant.

Mitigation Measure - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-2(a): Soils/Foundation Preparation. The project applicant shall implement the recommendations of the Geotechnical Investigation and Update prepared for the project site in November 2000 by SG Testing Laboratories, Inc. This shall include: preparation of building pads; preparation of paved areas; conventional foundations; slabs-on-grade construction; retaining walls; and pavement design. One or more of the following

shall be implemented during construction of the Project:

1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
2. Removal of the highly expansive material and replacement with non-expansive import fill material.
3. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
4. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

Reference - FEIR page 4.6-11.

5.4.3 Potentially Significant Direct Impact G-3. Based on the field and laboratory test results, in situ bearing materials exhibit the potential for excessive total and differential settlements and have the potential for excessive post-construction settlements. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The surficial soils possess characteristics that could adversely impact the proposed construction and long-term serviceability of the structures due to the undesirable consolidation potential of the anticipated in situ bearing soils. Structures and facilities constructed on these soils, as well as occupants of the proposed facilities, could be exposed to hazards related to differential settlement of soils, which would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-3(a): Site Improvement Program. According to the recommendations set forth in the geotechnical report prepared for this site, a site improvement program shall be implemented in order to reduce the identified on-site soils hazards related to differential settlement. The project applicant or authorized agent thereof shall implement a site improvement program consisting of over-excavation of the anticipated bearing soils to an adequate depth below the zone of influence of the proposed structures and replacement with a properly compacted structural fill. Project grading and construction shall comply with the SG Testing Laboratories, Inc. recommendations for site preparation and grading, structural fill site drainage, foundations, lateral earth pressure and retaining walls, concrete slabs on grade, temporary excavations and utility trenches.

Reference - FEIR page 4.6-12.

5.5 Hazards

5.5.1 Potentially Significant Direct Impact HZ-2. Due to the presence of 55-gallon and 5-gallon drums and other storage containers with adjacent stained soil on the project site, on-site soils may contain contaminants that could pose a risk to health. Impacts would be considered Class II, *potentially significant, but mitigable*.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Unmarked 55-gallon and 5-gallon drums and adjacent stained soils in the west central portion of the project site adjacent to the mobile storage trailer may have the potential to cause a health risk to people if not properly disposed. Soils testing conducted in the immediate vicinity of the mobile storage trailer as part of the Phase II Shallow Soil Evaluation (August 9, 2000) identified concentrations of TPH, DDE, and DDT. According to the Phase II evaluation, concentrations of TPH, DDE, and DDT in this area would not require typical “regulatory agency oversight.” The on-site drums and other storage containers could contain residual chemical concentrations that could pose a health risk. Impacts are potentially significant unless mitigated.

Mitigation Measure - Based upon the analysis presented in Section 4.7 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HZ-2(a): Removal of On-site Storage Containers. All storage containers on the project site, including the 55-gallon and 5-gallon drums, above ground storage tank and other debris located in the area of the mobile storage trailer, shall be removed from the site prior to issuance of a grading permit, and disposed of in an approved disposal facility. Soil sampling and testing shall be conducted by a licensed professional in the area of removed storage containers to confirm that remaining soils contain no concentrations of residual chemicals that exceed EPA standards. If verification soil sampling indicates that remaining soils in the area exceed EPA standards, then DTSC and PSD-Fire shall be contacted to determine the level of any necessary remediation efforts, and these soils shall be remediated in compliance with applicable laws.

Reference – FEIR page 4.7-8.

5.6 Hydrology and Water Quality

5.6.1 Potentially Significant Direct Impact HWQ-1. During construction, the soil surface would be disrupted and potentially become subject to erosion, with potential sedimentation of on-site depression areas. After construction, some erosion would also be expected. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or

incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - If grading occurs during the rainy season or in the event of heavy storms, soils from the site could be entrained, eroded, and transported to the drainages within and adjacent to the site. Grading operations are expected to increase erosion and sedimentation to depression areas. Uncontrolled discharges of sediment are considered a potentially significant impact to water quality.

Regulations under the federal Clean Water Act require that a National Pollutant Discharge Elimination System (NPDES) storm water permit be obtained for projects that would disturb greater than five acres during construction for projects constructed prior to March 2003, and for projects that would disturb greater than one acre during construction for projects constructed subsequent to March 10, 2003. Acquisition of the General Construction permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains specific actions, termed Best Management Practices (BMPs) to control the discharge of pollutants, including sediment, into the local depression areas. The Project would be subject to these regulations, which would apply to the Project in its entirety and not individual lots by themselves.

Grading and vegetation removal in proximity to the on-site riparian/wetlands areas could result in an increase in erosion and sedimentation of topographic depressions, affecting both water quality and the stability of slopes along these depressional areas.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-1(a): NPDES Permit. Prior to approval of Grading Permits for the first Project phase, the applicant shall obtain a NPDES storm water permit from the California Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) for the entire site (not individual lots) shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the topographic depressions and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Additional BMPs shall be implemented for on-site construction activities including fuel storage and handling, concrete waste management, material delivery and storage. A list of BMPs shall be attached to Project plans and posted at the construction site.

Mitigation Measure HWQ-1(b): Temporary Berms and Basins. Temporary berms and sediment basins shall be constructed to avoid unnecessary siltation into topographic depressions during construction activities.

Mitigation Measure HWQ-1(c): Grading and Drainage Plans. Grading and drainage plans for both the tract and individual lots shall be designed to minimize erosion and water quality impacts. Plans shall include the following:

- a. A non-invasive temporary erosion control seed mix shall be applied to all graded areas. Areas within 50 feet of the on-site riparian/wetland habitats shall be revegetated within 60 days of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established;
- b. Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from the top of bank of on-site riparian/wetland areas; and
- c. Erosion control structures shall be installed.

Reference – FEIR pages 4.8-4 through 4.8-6.

5.6.2 Potentially Significant Direct Impact HWQ-2. The Project would introduce paved and roofed areas and thus has the potential to result in increased peak stormwater discharges and volumes of runoff. Impacts are considered Class II, *potentially significant, but mitigable*.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project would increase the area covered by impervious surfaces, resulting in potential increases in surface runoff and accelerated erosion. Under 100-year storm conditions, the Project would increase peak runoff flow rates by approximately 2.4 cubic feet per second in the Northern Parcel. The Project proposes to convey drainage by either street surface flow or closed conduit to a bioswale area within the proposed buffer area in the westerly portion of the site. The bioswales would allow the settlement of suspended particles and reduce stormwater runoff rates. The bioswales would be sloped to a central location where a pump station would be available to direct the flow into the central on-site riparian/wetland area. The central on-site riparian/wetland area would have the capacity to retain a 100-year storm event. Streets would be designed to accommodate flow associated with a 25-year storm event. According to the “Preliminary Drainage Report” prepared for the Project (Penfield & Smith, September 2002), the receiving central riparian/wetland area has more than enough storage capacity (180 acre feet) to easily absorb this increase in the total runoff volume without significant negative impacts to that area. Improperly designed bioswales would result in potentially significant impacts related to peak stormwater discharges and volumes of runoff.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-2(a): Bioswale Specifications. Bioswales shall be designed to meet the following standards:

- a. *Low Flow Drainage:* The bottom of the bioswales shall have a minimum gradient of 2% draining to the outlet, or a low flow reinforced concrete swale shall be provided with a minimum gradient of 0.5% draining to the basin outlet.

- b. Landscaping. The City shall review any proposed bioswale landscape plan. Landscaping shall be selected to minimize maintenance, while minimizing impact to native and sensitive species that could be harmed by invasive plant species.
- c. Bioswale Design. Bioswales shall be planted with a variety of riparian species, including woody riparian species. Following grading of the bioswale area, silt fencing and construction fencing shall be installed around the perimeter of the bioswale to protect the area from erosion and siltation. Any bare soils in the bioswale area shall be hydroseeded prior to the start of the rainy season (October 15th) of each construction year. During the rainy season and following large storm events, the biofiltration swale shall be inspected by the Property Owner's Association to ensure proper function.
- d. Maintenance: Maintenance of the northern parcel bioswale, Central Avenue riparian area, and vortex filter shall be the responsibility of a Property Owner's Association. Monitoring of the bioswales shall ensure that trash accumulation, vandalism and the spread of non-native noxious weeds does not occur and that the filter media in the vortex filters is replaced, per the manufacturers recommendations.

Reference - FEIR pages 4.8-6 through 4.8-8.

5.6.3 Potentially Significant Direct Impact HWQ-3. The Northern Parcel of the site is located within a flood hazard area associated with the Santa Ynez River. The Project proposes to construct the finished floors of the residences at least 2.5 feet above the flood water surface. Therefore, impacts related to flood hazard exposure are considered Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The analysis of the ability of the central riparian/wetland area to receive storm water runoff indicates a storage capacity of 180 acre-feet. The total volume from the inflow hydrograph from the 100-year storm event is less than 40 acre-feet. Therefore, the site is not likely to be flooded by surface water overflowing from the central riparian/wetland area under Project conditions (Penfield & Smith, September 2002).

Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs), the potential for on-site flooding caused by the waters of the Santa Ynez River following extreme storm events greater than or equal to the 100-year storm exists for the northern parcel. Residential units are proposed in the northern parcel within these flood hazard areas. However, waters from the Santa Ynez River that rise during a 100-year storm event would be contained outside the building lots, and the finished floors of the residences would be at least 2.5 feet above the flood water surface. However, without obtaining a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), the Project would not be guaranteed to comply with the National Floodplain Insurance Program (NFIP) requirement that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. Potentially significant impacts would result.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-3(a): Conditional Letter of Map Revision (CLOMR). Prior to approval of Grading Permits for the tract, the applicant shall obtain a CLOMR from FEMA. The CLOMR request shall include detailed flood hazard analyses prepared by a qualified professional engineer, consistent with FEMA requirements. The applicant shall comply with all conditions and requirements of the CLOMR.

Mitigation Measure HWQ-3(b): Prohibition of Floodwater Displacement. Prior to issuance of grading permits, the applicant shall submit plans to the Community Development Department and Public Works Department that depict an overland escape route for runoff to ensure that the placement of fill on the project site to raise the proposed building pads out of the floodplain does not divert substantial runoff onto adjacent properties.

Reference - FEIR page 4.8-8 and 4.8-9.

5.6.4 Potentially Significant Direct Impact HWQ-4. Due to the intensification of uses proposed on the project site, there is the potential for storm water transport of pollutants, bacteria, and sediment into downstream facilities. Impacts are considered Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The development of residential uses and a community park on the project site would result in an increase of pollutants into runoff when compared to existing undeveloped conditions. Pollutants associated with Project buildout would affect the water quality of on-site topographic depression areas. Receiving waters would assimilate a limited quantity of each constituent, but beyond certain thresholds the measured amount of the constituent is considered a pollutant. Major non-point source pollutants include: sediment, nutrients, trace metals, oxygen-demanding substances, bacteria, oil and grease. The most abundant heavy metals in urban stormwater are lead, zinc, and copper, which together account for 90% of the dissolved heavy metals. Heavy metals are generally vehicle related and influenced by traffic volumes.

Subsequent to Project implementation, discharge from non-point sources on the project site would be conveyed to stormwater facilities. Stormwater quality is affected by several factors, including: the length of time that has elapsed since the previous precipitation, the volume of precipitation, the types and amounts of urban land uses in the area, and the quantity of transported sediment. The first flush of the storm occurring after the dry-season period generally contains the highest quantities of urban pollutant loads. Proposed landscaped areas, including the community park, are a source of nutrient loading from fertilizers. However, the potential impacts from fertilizer application could be minimized through timing of the application to avoid rainy periods.

Development of the project site with residential uses would be expected to increase the quantities of pollutants with runoff from streets, lawns, parks, and gardens. Other activities that may increase pollutants due to site development include: motor vehicle operations in the area, pesticide uses, human littering, careless material storage and handling, and pavement disintegration.

The Project would result in the discontinuation of agricultural production, and the associated use of agricultural chemicals, at the project site. This would result in beneficial impacts related to water quality.

The Project proposes to convey drainage by either street surface flow or closed conduit to a bioswale area within the proposed buffer area in the westerly portion of the site. The bioswales would serve to filter the runoff by routing flows across grassy areas to remove silts and oils from the paved streets. Bioswale specifications are identified in Mitigation Measure HWQ-2(a). Nevertheless, water discharged from the bioswales could contain substantial quantities of contaminants, which would be considered a potentially significant impact related to post-construction water quality.

Mitigation Measure - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure HWQ-4(a): Water Filtration Units. The inlet on storm drains shall be designed to include vortex water filtration units to reduce the sediment load, oil and grease, and floatable debris contained in the runoff water before discharge to the biofiltration swale inlets. The filters shall be maintained by the Property Owner's Association. Maintenance shall include regular inspections, measurements of the volume of accumulated sediment, oil and grease, and periodic removal of accumulated materials.

Reference - FEIR pages 4.8-10 and 4.8-11.

5.7 Noise

5.7.1 Potentially Significant Direct Impact N-2. The Northern Parcel of the site would be subject to traffic noise generated from Central Avenue. The residences proposed in the northern portion of the site would experience nuisance noise levels in excess of City standards (60 dBA CNEL) as a result of existing and Project-generated traffic. Therefore, impacts related to exposure of future Project residents to severe exterior and interior noise levels are considered to be Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The project site is primarily surrounded by residential and agricultural uses. Therefore, most residents of the Project would not be exposed to land uses that would be considered substantial noise sources. However, the northern portion of the

project site is adjacent to Central Avenue, which is a primary traffic noise generator near the project site. The Project would generate an increase in the average number of trips along the segment of Central Avenue adjacent the project site. A detailed description of Project-generated traffic is in Section 4.12, *Transportation and Circulation* of the FEIR. The Project would not be subject to severe noise levels associated with North Avenue or Central Avenue due to the relatively low amount of traffic projected to use these roadways under Year 2004 + Project conditions.

The distance from the centerline of Central Avenue to the closest proposed residential use is approximately 200 feet. Without accounting for the barrier of the existing vegetation adjacent to Central Avenue, the existing noise level 200 feet from the centerline is estimated at 56.7 dBA CNEL. The estimated noise level at 200 feet from the centerline under future conditions (includes cumulative, and Project generated growth) is 60.1 dBA CNEL. Therefore, the proposed residential lot located closest to Central Avenue would experience an outdoor sound level of 60.1 dBA CNEL, which would exceed the 60 dBA CNEL outdoor noise level standard.

The interior noise standard applicable to the Project is 45 dBA. Typical building construction reduces outdoor noise by 10 to 15 decibels with windows open and 20 to 24 decibels with windows closed (smaller windows and better construction will provide the higher end of the range). Therefore, if an outdoor noise is less than 60 dBA, average wall and window construction can reduce noise levels below 45 dBA, with windows closed. Since the outdoor noise levels at the proposed residential uses adjacent to Central Avenue would exceed 60 dBA, interior noise levels at the northern units are expected to exceed 45 dBA.

The City's exterior standard for park uses (picnic areas only) is 65 dBA. The community park proposed to be dedicated in the northwest corner of the site would be located approximately 20 feet from the centerline of Central Avenue at its closest point. The estimated noise level at 20 feet from the centerline under future conditions (includes cumulative, and Project generated growth) is 78.1 dBA CNEL. Therefore, if future picnic areas are located within 118 feet from the centerline of Central Avenue, which would correspond to the 65 dBA noise contour, implementation of the community park would result in potentially significant impacts related to noise exposure.

Mitigation Measure - Based upon the analysis presented in Section 4.10 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure N-2(a): Acceptable Noise Levels. Structures located within 255 feet of the Central Avenue centerline shall provide attenuation of indoor noise levels to below 45 dBA CNEL, and where practicable, outdoor living area noise levels to below 60 dBA CNEL. In addition, setbacks or noise attenuation features shall be implemented for community park picnic areas to achieve noise levels below 65 dBA CNEL. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer prior to issuance of building permits:

- Setback all proposed residential uses at least 271 feet and all community park picnic areas at least 118 feet from the centerline of Central Avenue;

- Use vegetated berms at the property line, with solid core doors and double-paned glass windows on the side of the residential units facing Central Avenue.
- Use a combination of setbacks, vegetated berms, and solid core doors and double-paned glass windows in accordance with the recommendations of an acoustical engineer.

Mitigation Measure N-2(b): Exterior Areas. Exterior usable areas for lots that border the northern Project boundary within 271 feet of the centerline of Central Avenue shall be located within areas with noise levels less than 60 dBA. This can be accomplished using one or more of the following methods or as recommended in a noise study to be prepared by an acoustical engineer prior to issuance of building permits:

- Setback all residential exterior usable areas at least 217 feet from the centerline of Central Avenue;
- Place residential exterior usable areas within an interior courtyard;
- Use vegetated berms at the property line.

Reference – FEIR pages 4.10-7 through 4.10-9.

5.7.2 Potentially Significant Direct Impact N-4. The Northern Parcel of the site is located under a flight path for Lompoc Airport and Vandenberg AFB. Therefore, Project residents would be exposed to air traffic noise, which may cause a sporadic noise nuisance. This impact is considered Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Although future Project residents would not experience exceedances of the City noise standards from aircraft operations at Vandenberg AFB, area residents may experience annoyance from individual aircraft overflights. Normal operating hours for the Vandenberg AFB airfield are 8:00 AM to 5:00 PM, Monday through Friday. Under unusual circumstances, the airfield is opened to single military aircraft during evenings and weekends. It is estimated that 93 percent of the aircraft operations approach the airfield from the southeast (over the City of Lompoc) and depart to the northwest (over the Pacific Ocean). The exposure of future Project residents to noise nuisances from aircraft overflights would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.10 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure N-4(a): Reduction of Noise Levels from Aircraft. All habitable site structures shall contain the following design details:

- Tight-fitting standard dampers and glass doors for fireplaces, if applicable; and
- Standard solid wood sheathing (minimum ½ inch thick) under roof coverings.

Mitigation Measure N-4(b): Disclosure of Air Traffic Nuisance. Upon the execution of leases on the project site, the transferor will be required to deliver to the prospective transferee a written disclosure statement that shall make all prospective renters in the Project aware that although potential impacts or discomforts associated with aircraft overflights may be lessened by installation of the design features described in Mitigation Measure N-4(a), some level of nuisance would remain. This notification will be required to include disclosure of potential nuisances associated with aircraft overflights from Lompoc Airport and Vandenberg AFB, including a description of noise and safety impacts associated with such overflights.

Reference - FEIR page 4.10-12.

5.8 Public Services

5.8.1 Potentially Significant Direct Impact PS-3. The proposed development on the Northern Parcel of the site would generate an estimated total of 96 elementary, middle and high school students. Students generated by the Project would exceed the enrollment capacity of Clarence Ruth Elementary School, which would require the implementation of additional classroom facilities. Impacts to this school are considered *potentially significant, but mitigable*, Class II.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - A total of 96 students will be generated from the proposed development of the Northern Parcel of the site, using student generation numbers from the Lompoc Unified School District (LUSD). Based on current LUSD loading standards, to accommodate students generated by the Project, two additional classrooms would be needed at Clarence Ruth Elementary School to accommodate students generated by the Project. Vandenberg Middle School and Cabrillo High School would maintain surplus capacity with implementation of the Project and associated student generation.

If needed, new classrooms would likely be portable classroom units placed on the grounds of a school. Development of new classrooms is a significant impact due to the physical effects associated with locating additional classrooms or portables on school grounds. Such physical impacts include construction of new classrooms and loss of playground facilities.

Bussing service would be provided by LUSD between the site and Vandenberg Middle School and Cabrillo High School. However, due to its proximity to the site (approximately one mile), bussing service would not be provided between the site and Clarence Ruth Elementary School. Sufficient sidewalks are proposed on-site and on off-site pathways to the school (e.g., North Avenue, North "V" Street, Laurel Avenue) to ensure school children pedestrian safety between the site and school.

Mitigation Measures - Based upon the analysis presented in Section 4.11 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure PS-3(a): Buildout Date Notification. The applicant shall notify the Lompoc Unified School District of the expected buildout date of each phase of the Project to allow the District time to plan in advance for new students.

Mitigation Measure PS-3(b): Statutory School Fees. The applicant shall pay the statutory school fees in effect to the LUSD at the time of issuance of building permits.

Reference - FEIR pages 4.11-7 and 4.11-8.

5.9 Transportation and Circulation

5.9.1 Potentially Significant Direct Impact T-4. With the implementation of proposed roadway improvements, the addition of Project-generated trips to the study-area roadways and intersections under cumulative conditions would nevertheless result in exceedances of roadway LOS standards along the segment of Central Avenue between “O” Street and “V” Street. Class II, *potentially significant, but mitigable*, impacts would result.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Development of the Project would result in the addition of 1,360 average daily trips, 103 A.M. peak hour trips, and 127 P.M. peak hour trips to the study-area roadways and intersections.

Roadway Levels of Service. The General Plan buildout + Project daily traffic volumes without the extension of North Avenue to Bailey Avenue were derived by adding the Project-generated daily traffic volumes to the General Plan buildout ambient daily volumes. Traffic generated by the proposed development of the Northern Parcel would utilize up to 7% of the current daily design capacity of the study area roadways. The Project would change the daily LOS on Central Avenue in the study area. All of the roadways analyzed, except the Central Avenue segments west of “O” Street and east of Bailey Avenue, and the segment of North Avenue east of “H” Street, are projected to provide LOS C on a daily basis under General Plan buildout conditions, with the addition of Project traffic.

The Project proposes to widen Central Avenue adjacent to the site to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. With the widening of Central Avenue to its master planned cross-section on the side of the roadway adjacent to the project site in conjunction with site development (consistent with the three-lane divided road cross-section located on Central Avenue east of the site), this roadway link would provide LOS B operation on a daily basis. With these proposed roadway improvements, impacts on this roadway segment would be less than significant.

Under cumulative + Project conditions, the segment of Central Avenue west of “O” Street would experience LOS F. This would be considered a potentially significant cumulative impact. The provision of fair share traffic mitigation fees to widen this roadway segment is required to reduce this impact to a less than significant level.

Without the extension of North Avenue to Bailey Avenue, North Avenue (east of “H” Street)

is projected to operate at LOS D with General Plan buildout traffic volumes. The Project would increase the projected future daily traffic volumes on this roadway segment by a small number of trips that would not be sufficient to change the General Plan buildout daily v/c ratio or LOS. Therefore, the contribution of the Project to cumulative projects at this roadway segment would be considered a less than significant impact.

Unsignalized Intersection Levels of Service. With Project-generated traffic volumes added to General Plan buildout ambient volumes, the average control delay at all three of the unsignalized key intersections would increase. The average approach control delay for the minor movement is projected to range from 12.8 seconds per vehicle to 21.7 seconds per vehicle. The increased average approach control delay during peak hours would not change the peak hour LOS on the minor approach at any of the key intersections. With Project-generated traffic added to the street network under General Plan buildout conditions, the three unsignalized intersections would continue to provide LOS C or better operation during peak hours on the worst-case minor street approaches. The intersection of Bailey Avenue/Central Avenue is projected to experience a decrease in the minor approach delay of 4.4 to 4.5 seconds per vehicle. The baseline northbound approach volume is primarily composed of left-turning vehicles that experience relatively long delays. After the addition of Project traffic, the northbound approach volume would consist of predominately right-turn movements that experience much shorter average delays. This would improve the LOS during morning peak hours from LOS C to LOS B at this intersection. Impacts on unsignalized intersections would be considered less than significant.

Signalized Intersection Levels of Service. The signalized key intersections would provide acceptable LOS under General Plan buildout conditions with Project-generated traffic, with the signalization of the intersection of "V" Street/Central Avenue. Following the addition of Project-generated traffic, the change in the average control delay at the signalized key intersections would range from a decrease of 0.3 seconds per vehicle to an increase of 0.8 seconds per vehicle. These changes in average control delay would be insufficient to change the peak hour levels of service at any of the key intersections. Impacts on signalized intersections would be considered less than significant.

The two CMP intersections operate at LOS C with existing traffic volumes. These intersections are projected to continue to operate at LOS C following the addition of Project-generated traffic. Therefore, the Project would result in less than significant impacts on the two CMP intersections, based on SBCAG threshold criteria.

Mitigation Measure - Based upon the analysis presented in Section 4.12 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure T-4(a): Fair Share Traffic Mitigation Fees. The project applicant shall provide fair share traffic mitigation fees to widen the segment of Central Avenue between "O" Street and "V" Street to a four-lane divided cross-section. If Central Avenue (west of "O" Street) is widened to a four-lane divided cross-section, it would operate at acceptable LOS C on a daily basis with General Plan buildout + Project traffic volumes.

Reference - FEIR pages 4.12-23, 4.12-25 and 4.12-26.

5.10 Utilities

5.10.1 Potentially Significant Direct Impact U-3. The proposed site plan does not provide sufficient maintenance access to the existing sewer system facilities located on the project site. This impact is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project restricts City maintenance access to an existing sewer manhole located in the central riparian/wetlands portion of the site. City access to this manhole is necessary to regularly maintain the local sewer system.

Mitigation Measure - Based upon the analysis presented in Section 4.13 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure U-3(a): Sewer System Maintenance Access. A 20-foot-wide access roadway with sufficient turning area shall be provided adjacent to the top of bank of the central on-site riparian/wetlands area to the eastern or northern edge of the site to provide maintenance access to the existing sewer manholes; or sanitary sewer lines shall be located in street right-of-way and connect to existing sewer lines, bypassing and abandoning the line to the existing sewer manholes.

Reference - FEIR page 4.13-6.

5.10.2 Potentially Significant Direct Impact U-5. The Project would generate approximately 255 tons of solid waste per year. The solid waste disposal services and landfill that would serve the Project have adequate capacity to accommodate the waste generated by the Project. However, the Project would result in the use of part of the limited remaining capacity of the landfill. Therefore, solid waste generation would be considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Solid waste generation is a function of the number of homes, household size, and per capita waste generation. Construction activities and new residents generated by the Project would produce solid waste beyond existing conditions. Average residential waste generation in the City is approximately 2.2 pounds per resident per day. Based on a factor of 2.94 persons per multi-family unit, the proposed development of the Northern Parcel would be expected to generate approximately 635 residents. Therefore, prior to implementation of any recycling programs, at buildout the Project would generate approximately 1,397 pounds per day or 255 tons per year of waste. This amount of solid waste generated would represent a small percentage of the allowable daily waste acceptance (500 tons) but would nevertheless hasten the utilization of the remaining capacity at the

landfill. However, the Project would not require additional systems or services. In addition, it should be noted that the project site is planned for urban uses, including light industrial uses on the northern parcel, which would result in greater solid waste generation than the Project. Therefore, the solid waste generated by the Project has been accommodated in City solid waste planning based on designated General Plan land uses. Due to the heavy waste collection load on Mondays, waste from the project site would likely be collected once per week on Tuesdays (Stine, 2002).

Project implementation would not result in any change to service in the area or any significant changes to the disposal operations. The Project would not create the need for any special solid waste disposal handling and would therefore comply with all statutes and regulations related to solid waste. However, Project construction and occupancy would hasten the utilization of the remaining City of Lompoc Sanitary Landfill capacity, which would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.13 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure U-5(a): Construction Solid Waste Minimization. During the construction phases of the Project, the following mitigation measures shall be implemented by the project applicant and authorized agents thereof to reduce solid waste generation to the maximum extent feasible:

- Prior to construction, the contractor will arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials will be located onsite. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris may all be recycled.
- The contractor will designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors will be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.
- The above construction waste recycling measures will be incorporated into the construction specifications for the contractor.

Reference – FEIR pages 4.13-9 and 4.13-10.

6 FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT FEASIBLY BE AVOIDED OR MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City finds that the following environmental effects of the Project will be significant and cannot be avoided or substantially lessened through mitigation to a level of insignificance. Nevertheless, as explained in the Statement of Overriding Considerations set forth below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the Project. Environmental effects in the following areas were found to be

significant: Agricultural Resources (Direct); Air Quality (Direct and Cumulative); Noise (Direct and Cumulative); and Land Use (Cumulative).

6.1 Agricultural Resources

6.1.1 Potentially Significant Direct Impact AG-1. The Project would permanently convert areas that previously and/or currently support crop production. The site contains prime soils and is considered protected farmland. Therefore, the Project would result in Class I, *significant and unavoidable*, impacts related to agricultural conversion.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The portions of the site proposed for residential development support prime soils and have historically and/or currently contain active agricultural uses. Development on these portions of the site and off-site property would preclude large-scale crop production in these areas in the future. Implementation of the proposed residential units and associated facilities would occur on Class I soils that would be considered prime soils. In addition, the areas of the project site proposed for development are considered Prime Farmland by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP, 2000). The County of Santa Barbara Environmental Thresholds and Guidelines Manual (1995) Agricultural Resources Guidelines Determination of Agricultural Value methodology was used to determine the severity of Project impacts on existing on-site farmlands. This methodology weights nine site components (i.e., parcel size, adjacent land uses, water availability, plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations) according to their estimate resource value. According to this methodology, the impact of Project development on existing on-site prime agricultural lands would be considered potentially significant.

The approximately 40-acre Northern Parcel would represent a very small percentage (i.e., 0.005%) of the total agricultural land in the County (i.e., 710,768 acres, as of the year 2001). In addition, the project site parcels are currently designated for urban use in the City's General Plan. Nevertheless, permanent Project development on prime soils and active farmlands is considered a significant and unavoidable impact.

Reference - FEIR page 4.2-3.

6.2 Air Quality

6.2.1 Potentially Significant Direct Impact AQ-1. The Project would result in the emission of air pollutants at levels that would exceed the APCD's significance thresholds for NO_x and ROC. These

impacts are considered to be Class I, *significant and unavoidable*.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Project-related vehicle emissions were calculated using the URBEMIS 2002 for Windows air quality model. Stationary emissions from the use of on-site gas and off-site electricity generation for on-site use were also quantified using URBEMIS 2002 for Windows.

Combined mobile and stationary emissions generated from the Project would not exceed the APCD threshold of 240 pounds per day for ROG and NO_x, or the 80 pounds per day threshold for PM₁₀. Operational emissions resulting from vehicular traffic from the Project are estimated at 23.94 pounds per day of ROG (which is functionally equivalent to ROG), and 34.24 pounds per day of NO_x. When compared to the APCD's thresholds of significance, the mobile emissions generated from the Project would exceed the long-term threshold of 25 pounds per day for NO_x; therefore, the Project is considered to have a significant impact (Class I).

Mitigation Measures - Based upon the analysis presented in Section 4.3 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Nevertheless, impacts would remain significant.

Mitigation Measure AQ-1(a): Energy Saving Services Information. The following energy-conserving techniques recommended by APCD shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Community Development Department staff:

- Installation of heat transfer modules in furnaces;
- Use of light colored water-based paint and roofing materials;
- Use of natural lighting;
- Installation of energy efficient lighting;
- Use of landscaping to shade buildings and parking lots;
- Installation of sidewalks and bikepaths where appropriate;
- Installation of covered bus stops, where appropriate, to encourage use of mass transportation;

Mitigation Measure AQ-1(b): Alternative Transportation Information. The developer shall provide, as part of the sale of each housing unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.

Reference – FEIR pages 4.3-5 through 4.3-7.

6.2.2 Potentially Significant Direct Impact AQ-4. The Project involves residential development and dedication of parklands immediately adjacent to an existing wastewater treatment facility that has the potential to generate odor nuisance effects. These impacts are considered to be Class I, *significant and unavoidable*.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The Project would contain residential uses that would not be considered odor-generating uses. However, the site is located adjacent to the existing LRWWRP, which is a 5 million gallon per day (MGD) secondary wastewater treatment plant that treats the wastewater from the City of Lompoc and other areas in the region. The LRWWRP includes several facilities that involve chemicals and biological processes that produce odors during normal operating conditions. The LRWWRP operates 24 hours per day, seven days per week. Additional odors could be produced from the LRWWRP in the event of an “upset” of facility operations. The nearest proposed residential property to the LRWWRP would be located approximately 200 feet south of the LRWWRP. The community park would be located approximately 25 feet south of the LRWWRP.

Methods to reduce odor levels to acceptable levels may be installed at the LRWWRP. However, the implementation of such off-site mitigation measures may not be feasible, since the measures would be subject to separate approval by LRWWRP staff. LRWWRP staff have indicated that no methods to reduce odors from the LRWWRP can be guaranteed to result in acceptable odor concentration levels. Implementation of off-site odor reduction measures at the LRWWRP would be costly, and would require approvals from other agencies. Therefore, the Project would result in potentially significant impacts related to the exposure of future Project residents and community park users to this existing odor source.

Mitigation Measures - Based upon the analysis presented in Section 4.3 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Nevertheless, impacts would remain significant.

Mitigation Measure AQ-4(a): Vegetative Barrier. The project applicant shall install a dense vegetation barrier along the portion of the northern boundary of the project site that does not contain existing riparian habitat. Installed vegetation shall fully consist of native plant species.

Mitigation Measure AQ-4(b): Activated Carbon Filters. Individual home air ventilation systems shall be designed with removable activated carbon filters on air intakes. Such filters are capable of removing low-level ambient odors that would otherwise be drawn into the

houses. One complete set of activated carbon filters shall be provided by the applicant apartment operator to each tenant for installation upon initial occupancy. This measure shall apply to all units within the northern parcel.

Mitigation Measure AQ-4(c): Disclosure of Potential Nuisance. Upon the transfer of real property and leases on the northern parcel of the project site, the transferor/lessor shall deliver to the prospective transferee/lessee a written disclosure statement that shall make all prospective homeowners/lessors in the Project aware that although potential impacts or discomforts between proposed residential uses and the adjacent wastewater treatment facilities may be lessened by proper biofilter maintenance, some level of incompatibility between the two uses would remain. This notification shall include a description of odors associated with the wastewater treatment facility, as identified in the Baseline Odor Study Report prepared for the site (Kennedy/Jenks, July 24, 2001).

Reference - FEIR pages 4.3-9 through 4.3-12.

6.2.3 Potentially Significant Cumulative Impact AQ-5. The Project would result in more trips than the General Plan allows. With this Project, the General Plan will be amended to allow the proposed uses. The Project would not implement CAP transportation control measures. Therefore, the Project is considered to be potentially inconsistent with the 2001 Clean Air Plan (CAP). This is considered to be a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The 1999 Annual Emission Inventory contains data on NO_x, ROG, and CO in Santa Barbara County and is the most current and accurate inventory available (Clean Air Plan, 2001). This inventory was used in order to forecast future emission levels, which are described in the 1999 Planning Emission Inventory Forecast, and 2005 Planning Emission Inventory Forecast. These emissions forecasts are contained in the 2001 Clean Air Plan (CAP). Emissions forecasts take into account the change in the level of activity (growth or decline) of various pollution-producing actions and the reductions in future emissions based on current and proposed control measures. Emissions generated from the Project represent a small fraction of the forecasted emissions for 2005.

As described in *Methodology and Thresholds*, above, the Project would be considered consistent with the 2001 CAP if: (1) the population projections used in the Project are equal to or less than those used in the CAP; (2) the rate of increase in vehicle trips and mile traveled is less than or equal to the rate of population growth for the same area; and (3) all applicable land use and transportation control measures from the CAP have been included in the Project to the maximum extent feasible. The consistency of the Project with each of these thresholds is discussed in the paragraphs below.

Population Projection Consistency. The portion of the Northern Parcel of the project site proposed for development has a City of Lompoc General Plan land use designation of General Industrial with a Park Overlay. Development of the proposed multi-family residential units requires a General Plan Amendment to change the land use designations for this portion of the parcel to Medium Density Residential.

The Project would result in development of the site with uses that would generate a slightly greater number of trips and associated vehicle emissions than currently projected in the General Plan. Therefore, the Project would be inconsistent with APCD emissions projections for the site.

Vehicle Trip Rate of Increase and Miles Traveled. The proposed development of 216 residential units would generate approximately 1,360 trips per day. This increase in trips would represent a substantial percentage of total trips on roadways in the project vicinity. However, the project site is located immediately adjacent to existing development in the City of Lompoc, and would not provide a land use that would be considered a destination for substantial vehicles. Therefore, the Project would not be expected to substantially increase trip lengths or vehicle miles traveled in the vicinity. The population growth rate of the project area would exceed the rate of increase in vehicle trips and miles traveled generated by the Project.

Implementation of Transportation Control Measures (TCMs). The following TCMs would apply to the Project: T-1 (Trip Reduction Program); and T-10 (Bicycling). The Project proposes several features that would implement T-10, including: provision of a Class II bikeway would also be provided on Bailey Avenue south of Central Avenue. However, the Project proposes no features that would implement T-1.

Therefore, the Project is potentially inconsistent with the CAP, which would be considered a significant impact.

Mitigation Measures - Based upon the analysis presented in Section 4.3 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Nevertheless, impacts would remain significant.

Mitigation Measure AQ-5(a): Distribution of Alternative Transportation Information. The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy.

Mitigation Measure AQ-5(b): On-Site Transit Stop. The applicant shall provide an on-site bus pull-out along the interior loop roadway near the center of the northern parcel, as specified by the City transit service.

Reference: FEIR pages 4.3-12 through 4.3-14; Comments and Responses page CR-4.

6.3 Noise

6.3.1 Potentially Significant Direct Impact N-3. Project-generated traffic would incrementally increase noise levels generated from area roadways. These noise level increases would not be audible

along project area roadway segments that serve residential uses. However, Project-generated traffic would worsen existing severe noise levels along several roadway segments that serve residential uses in the project area. Therefore, the impact of Project-generated traffic noise on sensitive receptors in the project vicinity would be considered a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Project-generated traffic would produce inaudible noise level increases along several roadways in the project area that serve residential uses. Several of the study area roadway segments (i.e., Central Avenue segments between a point immediately northeast of the site and "H" Street, and the west side of "O" Street between Central Avenue and Barton Avenue) currently contain soundwalls that reduce sound levels along these segments by 6 to 9 dBA. When accounting for these soundwalls, the addition of Project-generated traffic to these roadway segments would not result in exceedances of exterior or interior residential noise standards at these off-site residential properties. One roadway segment in the study area that serves residential uses and does not have soundwalls (i.e., "O" Street between Central Avenue and Oak Avenue) would experience roadway noise levels in excess of City standards for residential uses under year 2004 baseline conditions. Project-generated traffic would produce inaudible noise level increases along this roadway segment, but would nevertheless worsen currently unacceptable noise levels at adjacent residential receptors along this segment. This would be considered a potentially significant impact.

Reference - FEIR pages 4.10-9 through 4.10-12.

6.3.2 Potentially Significant Cumulative Impact N-5. Under cumulative conditions, Project-generated traffic would not produce audible noise level increases along study area roadway segments. However, Project-generated traffic would worsen existing severe noise levels along several roadway segments that serve residential uses in the project area. Therefore, the cumulative impact of Project-generated traffic noise on sensitive receptors in the project vicinity would be considered a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The highest motor vehicle noise levels from General Plan buildout plus the Project would ultimately be generated along Central Avenue, between "H" Street and a point west of "O" Street (66.8 CNEL at 100 feet from the roadway centerline). Traffic volumes on "V" Street (north of Central Avenue) would generate the lowest motor vehicle noise levels (42.8 CNEL).

Project-related traffic would represent a relatively small portion of the daily traffic volumes on the master planned roadways in the vicinity under General Plan buildout conditions. Without the North Avenue extension, Project-related traffic would generate no audible noise increases (i.e., noise increases of more than 3 dB). Nevertheless, Project-generated traffic would produce noise that would worsen existing noise levels that currently exceed City standards for residential areas.

Several of the study area roadway segments (i.e., Central Avenue segments between "H" Street and "V" Street, and the west side of "O" Street between Central Avenue and Barton Avenue) currently contain soundwalls that reduce sound levels along these segments by 6 to 9 dBA. When accounting for these soundwalls, the addition of Project-generated traffic to these roadway segments would not result in exceedances of exterior or interior residential noise standards at these off-site residential properties. One roadway segment in the study area that serves residential uses and does not have soundwalls (i.e., "O" Street between Central Avenue and Oak Avenue) would experience roadway noise levels in excess of City standards for residential uses under cumulative baseline conditions. Project-generated traffic would worsen currently unacceptable noise levels at adjacent residential receptors along this segment. Although the increase in noise levels due to Project-generated traffic would be inaudible, the Project's contribution to cumulative noise level increases would be considered potentially significant.

Reference - FEIR pages 4.10-12 and 4.10-13.

6.4 Land Use

6.4.1 Potentially Significant Cumulative Impact. As discussed previously, the Project would result in significant and unavoidable (Class I) impacts related to conversion of prime agricultural lands, conflicts with existing agricultural operations off-site, emissions of air contaminants, exposure to odor nuisances, and air quality planning. As a result of these land use conflicts, the Project's contribution to cumulative land use impacts is expected to be Class I, *significant and unavoidable*.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Cumulative development throughout the greater City of

Lompoc and Santa Barbara County area would gradually alter the area's rural character. The Project would incrementally contribute to this substantial change. Individual development projects in the region would have the potential to create compatibility conflicts relating to the interface of existing urban and rural uses and new urban development. While there would be cumulative development throughout the area, land use impacts are typically limited to direct incompatibility issues with adjacent development. For that reason, project-specific and cumulative land use impacts are considered to be similar.

Reference - FEIR pages 4.9-6 and 4.9-7.

7.0 FINDINGS REGARDING GROWTH INDUCEMENT IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

7.1 Growth Inducement Direct Impact GI-1. Currently, land use and zoning controls would limit growth potential in the area. However, these are political barriers to growth that can be changed, as land use and zoning controls can be amended to be less restrictive. Similarly, the urban limit line can also be amended. If these actions occurred, the growth potential of the area would increase. Because the project site is currently not developed with residential uses, it would require the extension of urban infrastructure to serve proposed development. New infrastructure that would be required includes new roads serving the site (i.e., the Bailey Avenue frontage road and internal roadways) and the addition of drainage facilities.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - *Road Extensions*. Access to the Northern Parcel would be from the proposed Bailey Avenue frontage road. This roadway would not provide additional capacity beyond the design capacity of Bailey Avenue envisioned in the General Plan Circulation Element. Central Avenue would be widened to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site.

The proposed internal road system on the Northern Parcel consists of a looped system of local roads designed specifically to serve site development (see Figure 2-4 of Section 2.0, *Project Description*). None of the internal roads are designed to serve additional development on the project site. Therefore, although extensions of planned roads to other portions of the project site or off-site areas could occur, the current circulation system would not easily accommodate such extensions. The potential for the proposed internal road system to induce additional growth either on-site or off-site is limited.

Drainage Infrastructure. As described in Section 4.13, *Utilities*, the Project includes new drainage infrastructure to handle the increase in stormwater flow that would be created by on-site development. New facilities are anticipated to be sized to meet the needs of proposed development. However, if these are overbuilt, they could accommodate additional or more

intensive development on-site or at off-site upstream locations at some point in the future, thereby removing an obstacle to future growth.

Mitigation Measure: Based upon the analysis presented in Section 5.0 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP.

Mitigation Measure GI-1(a): Infrastructure Capacity Limitations. Water and drainage infrastructure that serves the Project shall be sized to meet only the demands of future growth in accordance with the land uses designated in the General Plan.

Reference: FEIR pages 5-2 and 5-3.

8.0 FINDINGS REGARDING PROJECT ALTERNATIVES

Because the proposed Project will cause unavoidable significant environmental effects, the City must consider the feasibility of any environmentally superior alternative to the project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the project objectives. The proposed Project would have potentially significant impacts in the following areas: Agricultural Resources (Direct and Cumulative); Air Quality (Direct and Cumulative); Land Use (Cumulative); and Noise (Direct and Cumulative).

In rejecting the alternatives, the City has examined the objectives of the Project and weighed the ability of the various alternatives to meet those objectives. The decisionmakers believe that the Project best meets these objectives with the least environmental impact. The specific objectives associated with the development of the Northern Parcel are as follows:

- To construct a residential development that includes up to 216 residential units, consisting of 15 eight-unit apartment buildings and 48 duplexes (96 duplex units);
- To preserve up to 9.02 acres of wetland designated as open space;
- To preserve up to 2.57 acres of sensitive riparian habitat;
- To dedicate up to 4.09 acres as a community park for public use; and
- To provide up to 5.56 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.

Alternative locations are generally examined when implementation of the Project at the proposed site would have significant unavoidable impacts and/or significant but mitigable impacts, and when such impacts could be reduced or eliminated by relocation of the development. Based on discussions between the applicant and City staff, an alternative project site is not evaluated in this EIR because the proposed project site is large enough to accommodate changes that might result from the implementation of any of the proposed project alternatives. In addition, there is no other comparable site available to the applicant where the Project objectives could be accomplished. Therefore, any discussion of alternative locations would not meet the “rule of reason” addressed in the CEQA Guidelines and was, therefore, not addressed in the FEIR.

The Project is superior to the Project as originally proposed and to the four Alternative Projects (“Alternative 1,” “Alternative 2,” etc.) that were evaluated in the EIR, for the reasons discussed below. When compared to the Project, all four Alternative Projects are infeasible.

The following alternatives were addressed in the FEIR:

- Originally Proposed Project
- Alternative 1: No Project/No Development
- Alternative 2: Build-out Under Existing Zoning
- Alternative 3: Mitigated Project
- Alternative 4: Reconfigured Project

Originally Proposed Project

Description: This option is similar to the Project as modified, but differs in that it would not provide a separate Bailey Avenue frontage road distinct from the existing Bailey Avenue farm road. In addition, the originally proposed project would not provide improvements to the on-site community park site, and would not fund off-site odor-control improvements to the LRWWRP.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: The originally-proposed Project is infeasible when compared to the Project, as modified, for the reasons set forth below. The Project has fewer impacts and a better design.

The Original Project does not include circulation design solutions that would address potential incompatibilities between farm vehicles/equipment using the existing Bailey Avenue farm road, and project-generated traffic. Additionally, the lack of a separate Bailey Avenue frontage road with the Original Project would result in additional impacts related to conflicts between farm vehicles/equipment and emergency vehicles. The Original Project would result in greater impacts related to the exposure of site residents to odors emitted from the adjacent off-site LRWWRP, since the Project would fund odor control improvements to this off-site facility.

Reference: FEIR Section 4, et. seq.

Alternative 1: No Project/No Development

Description: This option assumes that the Project is not constructed, and that the site remains in its current state of open space and agricultural use, with continued irrigated row crops. If the Project were not constructed, it is assumed that the areas of the project site proposed for development would be planted with row crops, although it would not preclude future development on the project site. This site is zoned and designated under the General Plan as General Industrial with a Park Overlay, and Open Space on the northern parcel. Consequently, development of the site in accordance with these designations could eventually be constructed, even if a no project scenario is implemented at this time.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: Under the No Project alternative, the project site would remain as is. This alternative would not provide any permanent open space/recreational benefits, or housing supply benefits, and limited economic benefits. In addition, none of the project objectives would be met.

Reference: FEIR Section 6.1.

Alternative 2: Build-out Under Existing Zoning

Description: This option assumes that the Project is not constructed, and that development of the site under the existing zoning designations of Planned Manufacturing (PM) on the northern parcel is implemented in accordance with all applicable City policies. It is assumed that a light industrial use would be constructed on the Northern Parcel, with associated parking and facilities. As with the Project, this alternative would improve Bailey Avenue and Central Avenue.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: The planned manufacturing use in the Northern Parcel would result in slightly greater impacts related to per-square-foot generation. In addition, this alternative would not meet the project goals and objectives related to the provision of housing.

Reference: FEIR Section 6.2.

Alternative 3: Mitigated Project

Description: This alternative would have the same number of residential units as the Project, but would feature measures to mitigate significant impacts identified in Section 4.0 of this EIR. The Northern Parcel would be developed with the same number of units as the Project. In addition, this alternative would incorporate increased buffers from sensitive resource areas, including off-site agricultural lands and on-site wetlands/riparian areas, from off-site odor sources, and from existing residential uses east of the site. As with the Project, this alternative would improve Bailey Avenue and Central Avenue.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: This alternative was designed specifically to minimize aesthetic, agricultural, biological, and land use impacts identified with the Project and outlined in Section 4.0 of this EIR. This alternative would not meet the project goals and objectives related to the provision of housing.

Reference: FEIR Section 6.3.

Alternative 4: Reconfigured Project

Description: This alternative would involve a reconfiguration of the Project to mitigate significant impacts identified in Section 4.0 of the EIR. Under this alternative, no development would occur on the northern parcel. Rather, a larger community park would be implemented on the northern parcel. As with the Project, this alternative would improve Bailey Avenue and Central Avenue.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: This alternative was designed specifically to minimize impacts identified with the Project and outlined in Section 4.0 of the EIR. The elimination of residential units in the northern parcel would reduce impacts related to exposure of Project residents to noise from Central Avenue, and odors from the LRWWRP. The 216 multi-family units would not be built, so impacts based on per capita generation (traffic, air quality, water consumption, wastewater generation, public service demand) would be substantially reduced when compared to the Project. This analysis describes how the implementation of a park rather than 216 multi-family units on the northern parcel would minimize potentially significant impacts. This alternative would not meet the project goals and objectives related to the provision of housing.

Reference: FEIR Section 6.4.

9.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the Public Resources Code requires that when making findings required by Section 21081(a) of the Public Resources Code, the Lead Agency approving a project shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval, in order to ensure compliance with project implementation and to mitigate or avoid significant effects on the environment. The City hereby finds that:

- 1) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and the mitigation measures therein are made a condition of project approval. The MMRP is incorporated herein by reference and is considered part of the record or proceedings for the Project.
- 2) The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP coordinator. The applicant, DS Ventures, LLC, will be primarily responsible for ensuring that all Project mitigation measures are complied with. Mitigation measures are programmed to occur at, or prior to, the following milestones:
 - Prior to commencement of construction. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as including pertinent design details in the Project plans.
 - Prior to tract map approval. These measures apply to tract-wide measures that would be reviewed at the time of tract map review. These include tract-wide design mitigation and access improvements.

- During project construction. These measures are those that need to occur as the proposed land uses are being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls.
- Prior to completion of construction. These measures apply to Project components that would go into effect at completion of the Project construction phase, including items such as management or monitoring plans. In order for the plan to be available for use at completion of each Project component, it will need to be prepared and completed before construction of the component is finished.
- During operation of the project. These are active measures that will commence upon completion of the various construction phases and, in most cases, will continue through the life of the project.
- Prior to occupancy or final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing City processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the Project.

- 3) The MMRP prepared for the Project has been adopted concurrently with these Findings. The MMRP meets the requirements of Section 21021.6 of the Public Resources Code. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

10.0 OTHER FINDINGS

The City hereby finds as follows:

- 1) The foregoing statements are true and correct;
- 2) The City is the "Lead Agency" for the Project evaluated in the FEIR and independently reviewed and analyzed in the Draft EIR and FEIR, as amended, for the Project;
- 3) The Notice of Preparation of the Draft EIR was circulated for public review. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;
- 4) The public review period for the Draft EIR was for 45 days between March 4, 2003 and April 17, 2003. The Draft EIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft EIR were sent to the State Clearinghouse, and notices of availability of the Draft EIR were published by the City. The Draft EIR was available for review at the City of Lompoc Planning Division, 100 Civic Center Plaza, Lompoc, California, 93438.
- 5) The Draft EIR and FEIR, as amended, were completed in compliance with CEQA;
- 6) The FEIR reflects the City's independent judgment;
- 7) The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The FEIR provides adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the

responses to such comments add significant new information to the Draft EIR regarding adverse environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR.

- 8) The City finds that the FEIR, as amended, provides objective information to assist the decisionmakers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;
- 9) The FEIR evaluated the following direct and cumulative impacts: (1) agricultural resources; (2) air quality; (3) noise; (4) land use; (5) aesthetics; (6) public services; (7) transportation and circulation; (8) utilities; (9) biological resources; (10) cultural resources; (11) geology and soils; (12) hazards; (13) water quality; (14) and growth inducing impacts. Additionally, the FEIR considered, in separate sections, significant irreversible environmental changes and growth inducing impacts of the Project, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the Project were identified in the FEIR;
- 10) The MMRP includes all of the mitigation measures identified in the FEIR and has been designed to ensure compliance during implementation of the Project. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;
- 11) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the MMRP Coordinator;
- 12) In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- 13) The impacts of the Project have been analyzed to the extent feasible at the time of certification of the FEIR;
- 14) The City made no decisions related to approval of the Project prior to the initial certification of the FEIR made by the Planning Commission. The City also did not commit to a definite course of action with respect to the Project prior to the initial certification of the FEIR by the Planning commission.
- 15) Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City of Lompoc Planning Division, the custodians of record for such documents or other materials;
- 16) The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;
- 17) Having reviewed the information contained in the Draft EIR, FEIR, and amendment to the FEIR, and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the Project in the FEIR, and amendment to the FEIR, and finds that recirculation of the Draft EIR is not required; and
- 18) Having received, reviewed and considered all information and documents in the FEIR, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

11.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines provide the following:

- (a) CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks

when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Balance of Competing Goals. The City hereby finds it is important to balance competing goals in approving the Project and the environmental documentation of the Project. Not every environmental impact has been fully avoided or mitigated because of the need to satisfy competing concerns to a certain extent. The City finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, some impacts will still be significant. The City has chosen to accept certain environmental impacts because complete eradication of impacts would unduly compromise other important community goals.

The City hereby finds and determines that the Project and the supporting environmental documentation provide for a positive balance of the competing goals and that the social, environmental, land-use and other benefits to be obtained by the Project outweigh any remaining environmental impacts.

The City, pursuant to State CEQA Guidelines Section 15093, has balanced the benefits of the Project against the following unavoidable impacts for which no feasible mitigation measures exist to reduce the impact to below a level of significance:

- 1) Direct and cumulative impacts on agricultural lands (removal of prime soils, conflicts with adjacent agricultural properties);
- 2) Direct and cumulative air quality impacts (emissions of ozone precursors, exposure of Project residents to unacceptable odor levels, inconsistency with the Clean Air Plan);
- 3) Direct and cumulative noise impacts (worsening severe noise levels along project area roadway segments that serve residential uses); and
- 4) Cumulative land use impacts (alteration of rural character).

The City has adopted all feasible mitigation measures with respect to these impacts. The City also has examined a range of alternatives, none of which both meet most of the project objectives and is environmentally preferable to the Project.

Accordingly, the City adopts the following Statement of Overriding Considerations based on information in the FEIR No. 2002061109 and on other information in the record. The City, pursuant to the CEQA Guidelines, after balancing the specific economic, legal, social, technological, and other

benefits of the Project against the unavoidable environmental effects which remain significant and after all feasible mitigation measures and alterations have been incorporated into the Project, and after the project alternatives that will lessen or avoid such significant impacts have been rejected as infeasible, determines that the unavoidable adverse environmental effects are acceptable due to the following specific considerations, each of which individually is sufficient to outweigh the unavoidable, adverse environmental impacts of the Project:

Social and Economic Benefits. The Project would result in the following social and economic benefits:

- a. The construction of the Project will result in both short-term and long-term economic benefits to the City of Lompoc and its residents. The Project will increase contribution to City property taxes. The Project will indirectly provide for a number of jobs relating to construction of and maintaining the proposed residential uses and related improvements.
- b. The Project will provide new housing that will complement the housing stock already in the area.
- c. There is a County-wide housing shortage which affects the City of Lompoc and a community need for additional market rate housing as well as for affordable housing, and the City is responsible under State law to plan for such additional housing in order to promote construction of housing. The City is actively seeking compliance with its identified fair share of total housing units and affordable housing in the region. The Project will contribute toward achieving that goal by providing 216 residential units, consisting of 15 eight-unit apartment buildings and 48 duplexes (96 duplex units). Twenty-two designated affordable units will be provided on the Northern Parcel. Construction of the Project will demonstrate the City's performance of its duty to plan and provide for development of new housing within its boundaries.
- d. Open space and recreational opportunities and pursuits represent a legitimate and important social need. The Northern Parcel is proposed to contain a 4.09-acre community park area. This will provide an active use community park or public use. The project applicant will improve the community park with landscaping and a parking lot.
- e. The Project will provide a transition between existing residential land uses within the City Limits and existing agricultural uses on adjacent Santa Barbara County lands. The Project will provide 5.56 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.
- f. The Project will result in greater transportation mobility and congestion relief as a result of proposed roadway improvements, including the widening of Central Avenue.

Environmental Benefits. The Project would result in the following environmental benefits:

- a. The Project will reduce existing on-site hazards related to arsenic in soils from

historic agricultural production. On-site arsenic-impacted soil will be excavated, re-located, and backfilled in accordance with a Corrective Action Plan (CAP).

- b. The elimination of existing on-site agricultural production on the site will eliminate existing agricultural impacts related to dust generation and pesticide applications, and would result in an overall reduction in water use at the site.
- c. The Project will contribute \$500,000 to the Wastewater Division of the City's Utilities Department for its use to reduce odors emanating from the LRWWRP.
- d. The Project will preserve 9.02 acres of wetland designated as open space, as well as 2.57 acres of sensitive riparian habitat. The applicant will contribute funds, in an amount to be determined by the City, as a fair share proportion of the Bailey Wetland Area Management Plan and maintenance costs. If the No Project Alternative were adopted, the agricultural use of the site would likely continue for economic reasons. Such ongoing agricultural practices could be damaging to on-site riparian and wetland habitat and associated plant and animal species (e.g., runoff of agricultural chemicals, loss of native plant species to increased cultivation and invasive species, etc.). Unlike agricultural uses (which could not be easily regulated by the City), the Conditions of Approval provide for extensive regulation during construction as well as mechanisms for long term protection of sensitive biological resources.

1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. CEQA Guidelines Section 15091 provides the following guidance regarding findings:

“(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

CEQA Guidelines Section 15093 provides the following additional guidance regarding a Statement of Overriding Considerations:

“(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.”

Having received, reviewed and considered the Final Environmental Impact Report for the Seabreeze Estates Project, SCH #2002061109 (FEIR), and the Amendment to the EIR, dated July 1, 2004, as well as all other information in the record of proceedings on this matter, the following Findings and Statement of Overriding Considerations Regarding the Final Environmental Impact Report for the Seabreeze Estates Project (Findings) are hereby adopted by the City of Lompoc.

1.2 Document Format

These Findings have been categorized into the following sections:

- 1) Section 1.0 provides an introduction to these Findings.
- 2) Section 2.0 provides a summary of the Project and overview of other discretionary actions required for the Project, and a statement of Project objectives.
- 3) Section 3.0 provides a summary of those activities that have preceded the consideration of the Findings for the Project as part of the environmental review process, and a summary of public participation in the environmental review for the Project.
- 4) Section 4.0 sets forth findings regarding those potentially significant environmental impacts identified in the FEIR which the City has determined to be less than significant with the implementation of Project design features and/or Project conditions included in the MMRP for the Project.
- 5) Section 5.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the FEIR which the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures included in the MMRP for the Project.
- 6) Section 6.0 sets forth findings regarding those significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 7) Section 7.0 sets forth findings regarding growth inducement impacts.
- 8) Section 8.0 sets forth findings regarding alternatives to the Project.
- 9) Section 9.0 contains findings regarding the MMRP for the Project.
- 10) Section 10.0 contains other relevant findings adopted by the City with respect to the Project.
- 11) Section 11.0 consists of a Statement of Overriding Considerations, which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the Project outweigh the Project's potential unavoidable environmental impacts.

The Findings set forth in each section herein are supported by findings and facts identified in the administrative record of the Project.

1.3 Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions regarding the Project are located at the City of Lompoc Planning Division, 100 Civic Center Plaza, Lompoc, California, 93438. The City is the custodian of the administrative record for the Project.

2.0 PROJECT SUMMARY

2.1 Project Location

The proposed Seabreeze Estates Project ("Project") involves the development of an approximately 77-acre project site, located immediately southeast of the intersection of Central Avenue and Bailey Avenue in the northwestern portion of the City of Lompoc. The site is comprised of two parcels (the "Northern Parcel" and the "Southern Parcel") that are currently undeveloped and contain agricultural fields. The Northern Parcel is APN 93-070-062, and the Southern Parcel is APN 93-070-063. The Findings in this document refer only to development of the Southern Parcel.

The site is bordered to the north by agricultural uses, to the west by Bailey Avenue and agricultural uses, to the east by the Ellwood Estates single-family residential subdivision, and to the south by the proposed extension of West North Avenue and agricultural uses.

2.2 Project Description

The current zoning designation on the Southern Parcel is Single Family Residential (7-R-1) on minimum 7,000 square foot lots. The applicant is requesting a change to Single Family Residential, Planned Development (R-1, PD) on 29.28 acres for residential development and a 6.12-acre agricultural buffer. One hundred fifty single-family homes will be constructed on the 29.28 acres.

The current General Plan Land Use Designation on the Southern Parcel is Low Density Residential with a School Overlay on the southwest portion of the site and Open Space on the 4.03-acre Bailey Avenue Wetland site. The applicant is requesting a change to Low Density Residential, removing the school overlay, and maintaining the Open Space designation.

With the Project, the existing Bailey Avenue farm road would remain unimproved. A new Bailey Avenue frontage road would be constructed east of the existing Bailey Avenue farm road and proposed on-site agricultural buffer. This frontage road would provide access to the site from the west and would result in a continuous agricultural buffer along the western site boundary. North Avenue would be extended from its existing terminus to the new Bailey Avenue frontage road.

This project description is the development of the Southern Parcel of the Project analyzed in the FEIR, as amended by the Amendment to the EIR, dated July 1, 2004. The following findings are based on this project description.

The Project and alternatives are described in more detail in the Seabreeze Estates Project FEIR, and Appendices thereto, and the staff report accompanying these findings.

2.3 Discretionary Actions

Project implementation may include, but is not limited to, the following discretionary actions by the City and Responsible Agencies having jurisdiction by law upon the project site and/or the resources contained thereon:

- 1) Certification of the FEIR
- 2) Adoption of a Mitigation Monitoring and Reporting Program (MMRP)
- 3) Approval of an Amendment to the City of Lompoc General Plan
- 4) Approval of a Preliminary/Precise Development Plan
- 5) Approval of an Amendment to the Zoning Ordinance and Zoning Map
- 6) Approval of a Vesting Tentative Subdivision Map
- 7) Additional permits and approvals, including, but not limited to the following:
 - a. Grading permits, building permits, and street work permits
 - b. NPDES compliance review
 - c. Other ministerial permits/approvals and compliance reviews of inspections required for the Project.

2.4 Statement of Objectives

The applicant's objectives for the Southern Parcel of the proposed Seabreeze Estates Project are as follows:

- 1) To construct a residential development that includes up to 150 single-family residential units;
- 2) To preserve up to 4.03 acres of wetland designated as open space; and
- 3) To provide up to 6.12 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On June 21, 2002, a Notice of Preparation (NOP) was distributed by the City of Lompoc for the Project. The State of California Clearinghouse issued a project number for the Seabreeze Estates Project, SCH #2002061109.

In accordance with CEQA Guidelines Section 15082, the NOP was circulated to interested agencies, groups, and individuals for a period of 30 days, during which comments were solicited and received, pertaining to environmental issues/topics that the Draft EIR should evaluate.

Subsequent to the public review of the Notice of Preparation, the City of Lompoc internally reviewed "administrative" copies of the Draft EIR. Upon completion of the review, copies of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals, as required under CEQA Guidelines Sections 15105 and 15087.

The State-mandated public review of the Draft EIR began on March 4, 2003 and ended on April 17, 2003. The FEIR includes a Response to Comments package (Section 3.0 of the FEIR), which presents all written comments received during the public review period of the Draft EIR, and includes related changes made to the Draft EIR.

The Planning Commission held a noticed public hearing to consider certification of the FEIR and approval of the Project on November 3, 2003. Following the Planning Commission's review, the Planning Commission formulated its recommendations regarding the Project and its accompanying CEQA documentation, and forwarded those recommendations to the City Council for consideration. The Planning Commission recommended certification of the FEIR, but did not recommend Project approval.

The City Council held a noticed public hearing on November 18, 2003 to consider the FEIR and Project. At that hearing, the City Council considered the recommendations of the Planning Commission, the information presented in the FEIR and the record for the Project, and public comments and testimony received at the hearing, but took no action on the Project.

Based on the testimony received at the hearings, on December 17, 2003 the project applicant subsequently submitted a revised site plan that provided Bailey Avenue frontage road improvements east of the proposed agricultural buffer, separate and distinct from the existing Bailey Avenue farm road. An additional change was made to the project site plan on February 11, 2004 removing an emergency access option to the Southern Parcel. The environmental impacts associated with this revised Project were described in the Amendment to the EIR, dated July 1, 2004. As described therein, this Project has fewer impacts than the originally proposed Project, and no

new environmental impacts. As such, there is no need to recirculate the EIR with respect to the Project.

4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The City finds, based upon the analysis presented in Section 4.0 of the FEIR and the Amendment to the EIR, dated July 1, 2004, that the following environmental effects of the Project are less than significant, and, therefore, no mitigation measures are required. The City hereby finds that project design features and/or project conditions have been identified and incorporated into the project which avoid or substantially lessen the potentially significant effect on the environment to a less than significant level.

4.1 Air Quality

4.1.1 Less Than Significant Impact AQ-2. Project traffic generation, together with other cumulative traffic associated with foreseeable development, would not result in CO “hotspots.” Therefore, the Project’s potential to generate CO “hotspots” is considered to be a Class III, *less than significant* impact.

Finding – Pursuant to Public Resources Code Section 21081(a) and State CEQA Guideline Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding – Carbon monoxide (CO) is considered to have a significant air quality impact if the additional CO from a project creates a “hot spot” where the California one-hour standard of 20 parts per million carbon monoxide is exceeded. This typically occurs at severely congested intersections. According to the Santa Barbara County Air Pollution Control District (SBCAPCD), if a project, together with existing traffic and that anticipated from foreseeable future development, would not result in traffic congestion worse than a level of service (LOS) D after intersection improvements are implemented, then CO modeling is normally not required.

Based on the traffic analysis, included as Section 4.12, *Transportation and Circulation*, of the FEIR, the Project, together with existing and other foreseeable future projects under General Plan buildout conditions, has the potential to significantly affect the operation of the “V” Street/Central Avenue intersection unless mitigation measures, including signalization, are implemented. However, after mitigation, none of the affected intersections would operate at a LOS D or worse under the cumulative development scenario. Therefore, with the implementation of proposed mitigation measures identified in Section 4.12, *Transportation and Circulation*, of the FEIR, the post-project conditions would not meet the SBCAPCD criteria to require CO modeling and no significant CO “hotspot” impacts would occur.

Reference - FEIR page 4.3-7.

4.1.2 Less Than Significant Impact AQ-3. The Project has the potential to generate construction-related emissions over a five year period. The SBCAPCD and City do not have quantitative thresholds of significance for construction emissions since they are considered to be short term and temporary. Dust abatement measures are required by the City as a condition of approval for all

discretionary construction activities. With implementation of these dust abatement measures, construction related emissions would be considered Class III, less than significant.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Construction activities would result in temporary short-term air quality impacts. These impacts are associated with dust generated by onsite grading activities and as a result of heavy construction vehicle emissions. Construction activities would be phased over a five-year period.

The Southern Parcel of the Project would require a total of 304,100 cubic yards of grading, which would result in the emissions of pollutants from the operation of construction equipment. In addition to equipment-generated emissions, asphalt degassing and employee trips will also generate emissions. Once the Project is partially constructed, many homes within the project site itself would be near other homes under construction, and subject to short-term construction emissions. It should be noted that the Project would reduce long-term PM10 generation because the proposed urban uses would replace an existing agricultural use that would be considered a source of substantial PM10 operational emissions

The City of Lompoc requires implementation of a dust abatement program for individual development proposals as a condition of project approval. In addition, the City requires implementation of equipment specification and other measures to reduce construction emissions as a condition of project approval. The implementation of required dust abatement and construction emissions measures as a condition of project approval would reduce Project construction air contaminant emissions impacts to a less than significant level.

Reference - FEIR page 4.3-8.

4.2 Biological Resources

4.2.1 Less Than Significant Impact B-1. Development of the Project would result in the removal of ruderal and disturbed/agricultural habitat. This is considered a Class III, less than significant impact.

Finding - Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Approximately 35.40 acres of disturbed (agricultural) and ruderal habitat would be removed from the Southern Parcel or fragmented as part of the Project. Ruderal and disturbed agricultural habitats are not considered sensitive plant communities and these habitat types are common throughout the region. Therefore, the loss of these vegetation types is not considered a significant impact and no mitigation is required.

Reference - FEIR page 4.4-16.

4.3 Hazards

4.3.1 Less Than Significant Impact HZ-3. The project site is located within 0.5 mile of the Lompoc Airport and 5.5 miles of Vandenberg Air Force Base. However, the site is not located within designated safety zones for these airports. Therefore, impacts related to airport hazards would be considered Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - According to the Lompoc Airport Master Plan (City of Lompoc, 1993), typical flight tracks at Lompoc Airport do not traverse the airspace above the project site. The 1993 Airport Master Plan recommends that the Airport Land Use Plan Planning Area height zone, safety zone, and noise zone not extend south of Central Avenue. Therefore, the project site is not located below a substantial overflight area, and is not subject to the Lompoc Airport height zone, safety zone, or noise zone requirements. Refer to Appendix H for a discussion of Project consistency with the policies of the "California Airport Land Use Planning Handbook."

Reference - FEIR pages 4.7-9.

4.3.2 Less Than Significant Impact HZ-4. Rockets are regularly launched from Vandenberg Air Force Base, but the risk of a rocket launching accident impacting the project area is low. The potential hazard is considered a Class III, *less than significant* impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Rockets are regularly launched from Vandenberg Air Force base. The launching area is located near the coast, over 8 miles southwest of the site. Rocket launch trajectories are over the Pacific Ocean. Being that the launch trajectories are over the ocean, in the event that the launch has to be aborted, the debris would fall into the ocean and not on land. The risk of a rocket launching accident impacting the project area is low.

Reference - FEIR pages 4.7-9.

4.4 Land Use

4.4.1 Less Than Significant Impact LU-1. On-site construction activity would create temporary noise and air quality impacts due to the use of construction equipment and generation of fugitive dust. These effects could cause nuisances at adjacent properties and disrupt agricultural activity. However, these impacts would be temporary in nature and, with the implementation of standard City conditions, are considered Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions

have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Construction of the Project would occur in phases over a five-year period. The use of construction equipment and generation of fugitive dust during Project construction would increase localized noise levels and result in a temporary reduction in local air quality. It is anticipated that construction activity would take place intermittently as development occurs. Construction activity may therefore cause temporary annoyance to immediately adjacent residential uses.

As discussed in greater detail in Section 4.3, *Air Quality*, of the FEIR, construction-related air quality impacts to adjacent sensitive receptors are considered less than significant with the incorporation of required conditions of project approval. These conditions of approval include dust abatement measures, such as watering construction sites and covering trucks that haul dirt, and other measures to reduce construction emissions, such as construction activity management techniques and substituting clean-burning fuels for diesel fuel used in construction equipment.

As described in Section 4.10, *Noise*, of the FEIR, construction of the anticipated facilities would generate noise levels above City thresholds affecting sensitive receptors adjacent to the site. These construction impacts would be short-term and primarily related to grading, and would be considered Class II, potentially significant, but mitigable. Required conditions of approval would limit the time of day and days of operation and require sound barriers for stationary equipment. Mitigation measures would require proper maintenance of construction equipment and limitations of construction vehicle access routes such that construction vehicles access the site via Central Avenue to the Bailey Avenue site entrances only.

No mitigation measures are required; however, mitigation measures identified in Sections 4.3, *Air Quality*, and 4.10, *Noise*, of the FEIR, would further minimize land use impacts related to construction.

Reference - FEIR pages 4.9-3 and 4.9-4.

4.4.2 Less Than Significant Impact LU-2. Implementation of the proposed residential uses could affect the privacy of adjacent existing residential uses. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - In accordance with City Zoning Ordinance Article 3 (R-2 Medium Density Residential District), Section 7500 et. seq., the proposed single family residential planned development uses in the Southern Parcel could be required to screen uses "from each other and from adjacent areas, including the use of fencing, walls and landscaping for said purposes." Preliminary designs provided by the applicant indicate that the proposed residential structures on the Southern Parcel would be up to two stories, with a maximum height of 30 feet. Existing fencing along the eastern site boundary is six to eight

feet in height. The single-family residential units proposed in the Southern Parcel would be located a minimum of 10 feet from the eastern property line. Therefore, the line of site from the second story of the proposed uses would extend into the backyards of these existing adjacent uses. However, since the proposed uses would be consistent with the required rear yard setbacks pursuant to the City Zoning Ordinance, the Project would not result in significant impacts related to land use incompatibility with the adjacent residential uses east of the site.

Mitigation measures identified in Section 4.1, *Aesthetics*, of the FEIR would reduce impacts related to design incompatibility. No additional mitigation measures are required.

Reference - FEIR page 4.9-4.

4.4.3 Less Than Significant Impact LU-3. The Project would be inconsistent with the existing General Plan land use and zoning designations for the site. The Project would require General Plan amendments and zone changes on the Southern Parcel. If these amendments were approved, there would be Class III, *less than significant* impacts related to consistency with land use and zoning designations for the site.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project would result in the conversion of on-site agricultural and vacant land to suburban uses. The Southern Parcel is designated Low Density Residential with a School Overlay, and Open Space and zoned Low Density Residential (7-R-1). The Project would not be allowable on the Southern Parcel under the existing General Plan and zoning designations. The applicant is requesting a change of the Southern Parcel land use designation to Low Density Residential, removing the school overlay, and maintaining the Open Space designation. In addition, the applicant is requesting a zone change for the Southern Parcel to Single Family Residential, Planned Development (R-1, PD).

The project site is located immediately adjacent to existing residential uses to the east. The proposed zone and land use designation changes would not create an island of residential uses surrounded by agricultural uses. If the proposed zone changes and general plan amendments were approved, the Project would be consistent with zoning and land use designations for the site.

Appendix H of the FEIR contains a detailed discussion of Project consistency with applicable City General Plan policies.

Reference - FEIR page 4.9-5.

4.4.4 Less Than Significant Impact LU-4. The Project proposes to use roadway right-of-way for the North Avenue extension that is currently located outside City limits. The Project would require LAFCO annexation approvals for this right-of-way. Following LAFCO approval of these annexation requests, the Project would result in Class III, *less than significant* impacts.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The southern boundary of the City of Lompoc with Santa Barbara County is located immediately adjacent to the southern boundary of the project site. The Project proposes to acquire roadway right-of-way on off-site adjacent private property that is entirely within Santa Barbara County to extend North Avenue between its existing terminus and the new Bailey Avenue frontage road.

The Project proposes the following LAFCO actions: (1) annexation of right-of-way for extension of North Avenue from the current end of pavement to connect with Bailey Avenue; (2) extending the Sphere of Influence; and (3) adjustment of the City Urban Limit Line to conform with the proposed annexation.

Following acquisition of currently privately-owned off-site lands for roadway right-of-way and LAFCO approval of the proposed annexation requests, the Project would result in less than significant land use impacts.

Appendix H contains a detailed discussion of Project consistency with applicable LAFCO policies. Section 4.2, *Agricultural Resources*, of the FEIR contains a discussion of Project impacts related to the conversion of off-site active agricultural areas and prime soils areas to urban use as roadway right-of-way.

Reference - FEIR page 4.9-6.

4.5 Noise

4.5.1 Less Than Significant Impact N-1. Project construction would be within 12 feet of sensitive receptors (residences east of the site) and could intermittently generate nuisance noise levels at locations on and adjacent to the site. With implementation of conditions of approval, including construction hour limitations, this impact would be Class III, *less than significant*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The operation of heavy equipment during construction of the Project would result in temporary increases in noise in the immediate vicinity of the construction site. Average noise levels associated with the use of heavy equipment at construction sites can range from about 65 to 88 dBA at a distance of 50 feet from the source, depending upon the types of equipment in operation and the phase of construction. The highest noise levels generally occur during excavation and foundation development, which involve the use of such equipment as backhoes, bulldozers, shovels, and front-end loaders. In addition, construction vehicles traveling on local roadways can generate substantial noise levels that affect adjacent receptors.

The sensitive receptors closest to the project site are the existing residences adjacent to the eastern site boundaries. The noise level experienced at sensitive receptors is heavily dependent on the distance from the construction. The sensitive receptors nearest the project site could be exposed to noise levels up to 100 dBA. Based on the City noise level standard of 60 dBA CNEL for sensitive receptors, existing residences would experience unacceptable noise levels during Project construction. In addition, newly developed Project residences would likely experience temporary construction noise levels in excess of City noise level standards.

It should be noted that this analysis also does not account for attenuating factors, like topography or noise impeding structures or vegetation. Actual construction noise levels experienced at adjacent residential uses would be lower due to the existing six- to eight-foot fencing located along the eastern site boundary, which would act as a noise barrier. Depending on the Project phase, construction may be a shorter or longer distance from the sensitive receptors and may result in exposure to higher or lower noise levels. The analysis provided above provides a reasonable worst-case evaluation. Although of temporary duration, construction impacts are considered potentially significant. Standard conditions of approval required by the City would apply to construction activities and would reduce construction-related noise impacts to a less than significant level.

Reference - FEIR pages 4.10-6 and 4.10-7.

4.6 Public Services

4.6.1 Less Than Significant Impact PS-1. The Project would increase the number of residents served by the Lompoc Police Department. Due to the Project's location relative to the City center and Police Station, the Project would increase response times. However, upon payment of public facility fees as a condition of project approval, the Project would not substantially affect the personnel, equipment or organization of the Police Department. This is considered a Class III, *less than significant* impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The construction of the proposed residential uses would result in the need for additional Department service. Responding to additional service calls would compromise the Department's response time goal of 3 minutes for emergency calls due to the distance of the project site from the Lompoc Police Department Station (Bailey, 2002). Payment of public facility fees would be required to compensate the Department for impacts on their services. As a condition of project approval, the project applicant will be required to pay this fee at the time building permits are issued.

It should be noted that adequate emergency response to the site is partially dependent upon the implementation of proposed roadway improvements adjacent to the site, including the extension of North Avenue and the widening of Central Avenue.

Reference - FEIR page 4.11-2.

4.6.2 Less Than Significant Impact PS-2. The Project would increase the number of residents served by the City of Lompoc Fire Department. The increase would not substantially affect the personnel, equipment or organization of the Fire Department. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The site access points from the proposed Bailey Avenue frontage road would be located approximately 1.5 miles from City of Lompoc Fire Station #2. City General Plan Safety Element Implementation Measure 16 allows the Fire Chief to require development located in areas beyond the five minute response time to meet more stringent construction code requirements to provide necessary fire protection. According to Fire Department staff (Rick Curtze, Building Official-Fire Marshal, City of Lompoc Fire Department, E-mail Communication, September 23, 2002), response times to the site would be approximately 3 minutes with the extension of North Avenue, which would satisfy the Fire Department response time goal of 5 minutes. Therefore, the Project would be located within the acceptable response time radius of the nearest Fire Department station. The Project would generate population served by the Fire Department. However, the corresponding increase in calls would not substantially increase response times, and would not result in the need for additional fire department staff or equipment.

The project applicant would be required to comply with the most recent Uniform Fire Code and implement City fire protection standards as a condition of project approval. According to the City of Lompoc General Plan Safety Element, the project site is located in a "Low" wildland fire hazard zone. The Project proposes to construct a new Bailey Avenue frontage road, widen Central Avenue, and extend North Avenue west to the new Bailey Avenue frontage road. In addition, the proposed site plans for the Southern Parcel contains three access points and a looped roadway system. These proposed improvements would ensure adequate emergency access to the site. Therefore, the Project would result in less than significant impacts related to fire protection services.

It should be noted that adequate emergency response to the site is partially dependent upon the implementation of proposed roadway improvements adjacent to the site, including the extension of North Avenue, provision of the new Bailey Avenue frontage road, and the widening of Central Avenue.

Reference - FEIR pages 4.11-3 and 4.11-5.

4.6.3 Less Than Significant Impact PS-4. The implementation of the proposed residential units would generate demand for parkland. The project applicant proposes to pay required parks fees to offset Project generated park demand. With payment of required parks fees, the Project would result in Class III, *less than significant*, impacts related to park demand.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project on the Southern Parcel would be expected to generate approximately 425 residents. Based on the City standard of 12 acres of parkland per 1,000 residents, the Project would generate a need for 5.1 additional acres in order to maintain an acceptable parkland to population ratio. With the payment of required parks fees to offset impacts on City parks and recreation facilities, the Project would be consistent with City requirements related to park provision. Following payment of required parks fees, the Project would result in a less than significant impact.

Reference - FEIR page 4.11-10.

4.6.4 Less Than Significant Impact PS-5. The implementation of the proposed residential units would generate demand for library facilities and services. The Lompoc Library is undersized to serve the current service area population. The project applicant would be required to pay City development impact fees that would offset Project impacts on library facilities. With payment of required fees, the Project would result in Class III, *less than significant*, impacts related to demand for libraries.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project on the Southern Parcel would generate 425 new City residents that would increase demand for City library facilities. A portion of the development impact fees required for the Project would be applied to the City's general fund. In turn, a portion of the City's general fund would be used to finance improvements to City library facilities and services. As a condition of approval for the Southern Parcel, the applicant would be required to pay these library fees prior to the issuance of building permits. With the payment of required City development impact fees, the Project would result in less than significant impacts on library facilities and services.

Reference - FEIR page 4.11-12.

4.6.5 Less Than Significant Impact PS-6. The increase in residents from the Project is expected to result in a *less than significant*, Class III, impact on emergency and non-emergency health care services.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - It is estimated that the Project on the Southern Parcel will add an additional 425 residents to the City of Lompoc. The increase in residents is likely to increase the number of emergency calls; however, there are adequate emergency health care facilities to accommodate this increase. Therefore, the impact on emergency services is considered less than significant.

It is estimated that the additional residents would generate at most 1 to 2 additional hospital visitors per day for non-emergency services. Because the Lompoc District Hospital has the capacity to handle this increase, the increase is considered less than significant.

Reference – FEIR page 4.11-14.

4.7 Transportation and Circulation

4.7.1 Less Than Significant Impact T-1. With the implementation of proposed roadway improvements, the addition of Project-generated trips to the study-area roadways and intersections would not result in exceedances of roadway or intersection LOS standards. Class III, *less than significant*, impacts would result.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding – Development of the Project on the Southern Parcel would result in the addition of 1,440 average daily trips, 112 A.M. peak hour trips, and 152 P.M. peak hour trips to the study-area roadways and intersections. The City’s level of service (LOS) standard for roadway and intersection operations is LOS C. All of the roadways analyzed, except Central Avenue east of Bailey Avenue, are projected to operate at LOS C on a daily basis in the Year 2004 with the addition of Project traffic. Under Year 2004 +Project conditions, Central Avenue east of Bailey Avenue would operate at LOS D on a daily basis where the existing roadway width provides a two-lane undivided roadway. The Project proposes to widen Central Avenue adjacent to the site to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. With the widening of Central Avenue to its master planned cross-section on the side of the roadway adjacent to the project site in conjunction with site development (consistent with the three-lane divided road cross-section located on Central Avenue east of the site), this roadway link would provide LOS A operation on a daily basis. With these proposed roadway improvements, impacts on roadway segments would be less than significant.

With Project-generated traffic volumes added to Year 2004 ambient volumes, the average control delay at all three of the unsignalized key intersections would increase. However, the three unsignalized intersections would continue to provide LOS C or better operation during peak hours on the worst-case minor street approaches. Impacts on unsignalized intersections would be considered less than significant.

The key signalized intersections would operate at an acceptable LOS in the Year 2004 with Project-generated traffic. Following the addition of Project-generated traffic, the change in the average control delay at the signalized key intersections would range from a decrease of 0.8 seconds per vehicle to an increase of 1.2 seconds per vehicle. These changes in average control delay would be insufficient to change the peak hour levels of service at any of the key intersections. Impacts on signalized intersections would be considered less than significant.

The two Congestion Management Program (CMP) intersections operate at LOS C with existing traffic volumes. These intersections are projected to continue to operate at LOS C

following the addition of Project-generated traffic. Therefore, the Project would result in less than significant impacts on the two CMP intersections, based on SBCAG threshold criteria.

Reference – FEIR pages 4.12-16 through 4.12-18.

4.7.2 Less Than Significant Impact T-2. The Project would provide adequate site access to the Bailey Avenue frontage road and adequate internal circulation. This would be considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding – The Southern Parcel would be accessed from two points along the Bailey Avenue frontage road and from the North Avenue extension. The internal Project roadway system for the Southern Parcel would be privately owned and maintained by a Homeowners Association. Both access locations from the new Bailey Avenue frontage road and the North Avenue extension appear to have adequate spacing and site distance. The two Bailey Avenue access locations on the Southern Parcel would be separated by about 500 feet.

A new Bailey Avenue frontage road would be installed east of the existing Bailey Avenue farm road and proposed agricultural buffer along the western boundary of the site. Provisions for on-street parking are not considered necessary for Bailey Avenue because the Project proposes a minimum 180-foot-wide agricultural buffer along the western site boundary.

The North Avenue extension would be installed with two travel lanes including a four-foot Class II bikeway and a standard curb and gutter with a six-foot wide sidewalk connecting to an eight-foot wide bikeway. The extension of North Avenue west to the new Bailey Avenue frontage road is identified as a future improvement in the Lompoc General Plan Circulation Element. The installation of the North Avenue extension would improve site access by providing vehicle, pedestrian and bicycle access for future site residents. With the proposed roadway and access improvements, Project impacts related to site access would be less than significant. However, the acquisition of a portion of the adjacent agricultural property for North Avenue extension right-of-way would convert active prime agricultural lands to urban use. Section 4.2, *Agricultural Resources*, of the FEIR contains a discussion of Project impacts related to agricultural conversion.

Internal Circulation. The Project site plan involves a circular internal street system for the Southern Parcel. The two access roads to the Southern Parcel would feature a total width of 28 feet, with two 14-foot travel lanes (and no parking allowed). Five-foot-wide sidewalks would be installed on either side of the access roads in these areas. Proposed Southern Parcel cul-de-sacs roadways would feature a total width of 36 feet, with two 18-foot-wide travel lanes, and adjacent 5 foot sidewalks on either side of the roadway. These internal access roadways would provide for sufficient internal circulation.

Reference – FEIR page 4.12-19.

4.7.3 Less Than Significant Impact T-3. The Project would provide an adequate number of parking spaces according to City standards. This would generate a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The City zoning ordinance requires 2 parking spaces within a garage or carport per dwelling unit for single-family residential uses. The Project proposes two garage parking spaces per single-family unit on the Southern Parcel. The Project would provide adequate parking capacity for the proposed uses. Therefore, the Project would not result in overspill of parking into undesignated areas, and less than significant impacts would result.

Reference - FEIR page 4.12-20.

4.8 Utilities

4.8.1 Less Than Significant Impact U-2. Development of the Southern Parcel of the site would increase the amount of wastewater treated at the Lompoc Regional Wastewater Reclamation Plant by about 0.02 million gallons per day. The effect of the increased wastewater treatment is considered a Class III, *less than significant*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that project design features and/or project conditions have been incorporated into the project which avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The existing 21-inch sewer line located west of the project site and within Bailey Avenue would be sufficient to serve the wastewater generated by the Project. Using the City's water demand rates, development of the Southern Parcel of the site would demand 43.5 AFY of water. Assuming that 60 percent of that amount becomes wastewater, the proposed residential units will generate a total of 26.1 AFY of wastewater. Therefore, the Project would result in a worst-case wastewater generation of about 0.02 million gallons per day (mgd). The daily wastewater generated by the Project is equivalent to about 0.4% of the 5 mgd treatment capacity of the LRWWRP. Wastewater treatment requirements are not anticipated to cause the current facility to exceed its design capacity. It should be noted that City Ordinance 1334 (90), which requires implementation of a water conservation program or payment of in lieu fees to the City for water conservation, would apply to the Project and would result in reduced wastewater generation. The project applicant would be required to pay wastewater connection fees to the City as a condition of project approval. With the payment of these fees, impacts would be less than significant.

Reference - FEIR pages 4.13-5 and 4.13-6.

5.0 FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds, based upon the threshold criteria for significance presented in the FEIR, that the following potentially significant environmental effects of the Project can be avoided or reduced to insignificance with feasible mitigation measures identified in the FEIR and adopted by the City as conditions of project approval. No substantial evidence has been submitted to or identified by the City that indicates that the following impacts would, in fact, occur at levels that would necessitate a determination of significance.

5.1 Aesthetics

5.1.1 Potentially Significant Direct Impact AES-1. The proposed development has the potential to alter the aesthetic character of the site vicinity through alteration of views from public viewing locations (including locally-designated scenic roads), introduction of community design elements that may be aesthetically inconsistent with the surrounding area, introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to urban (residential) condition. This is considered a Class II, *potentially significant but mitigable*, impact to the aesthetic character of the area.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The project site would not be substantially visible from any State-designated scenic highways or routes. However, the City General Plan designates Floradale Avenue, west of the site, and the portion of Ocean Avenue south of the project site as local scenic roads. As stated in City General Plan Urban Design Element Policy 1.3, "The City shall protect and enhance the views along the scenic roads noted on the Scenic Ridgelines and Roads map." The project site is within a distant visible area adjacent to these roadways due to its location on flat terrain and the lack of substantial intervening structures and vegetation between these viewpoints and the site. The Project would involve the removal of existing vegetation to accommodate the proposed development, although the Project would maintain as open space the portions of the site that contain wetland and riparian habitat. Preliminary designs provided by the applicant indicate that the proposed residential structures would be up to two stories, with a maximum height of 30 feet. The proposed buildings would partially block views of on-site vegetation within the central riparian/wetlands area from off-site viewpoints. However, it should be noted that partial views of taller vegetation would be retained. Landscaping on the project site would not fully block views of development; however, it is anticipated to soften the views by creating additional greenery. The Project would result in a graded, landscaped surface and structures that would be visible from several off-site viewpoints.

City of Lompoc General Plan Urban Design Element Implementation Measure 22 states, "The City shall condition approval of individual development proposals to assure that development shall preserve important view corridors, where feasible, by identifying and preserving the attributes of the view corridor that characterize its significance (e.g., framing

elements and presence or absence or impinging details) as seen from roadways, pedestrian paths or other public vantage points to avoid view obstruction.” In addition, General Plan Land Use Element Policy 2.5 states, “The City shall encourage creative site designs in residential developments which address natural constraints and protection of aesthetic qualities.” As described in the paragraphs below, the Project involves development of residential structures on the Southern Parcel that would block views of the existing central on-site natural riparian/wetland habitat from sensitive public vantage points. This would be considered a potentially significant impact.

Floradale Avenue Viewshed. The entire length of Floradale Avenue, which is located approximately ½ mile west of the project site at its closest point, is designated in the City of Lompoc General Plan as a scenic road. Proposed residential units, landscaping, and other facilities proposed in the western portion of the site would be visible from northbound and southbound travelers along Floradale Avenue. Existing views of the project site from Floradale Avenue, east toward the project site, currently feature flat croplands in the foreground and middleground, with the central on-site riparian/wetlands area, and existing urban (residential and wastewater treatment plant) development in the background. The proposed improvements respective to these viewpoints would increase the amount of background urban development visible from these viewpoints. In addition, the proposed residential structures would partially block views of the central on-site riparian/wetlands area, although these vegetative features are difficult to visually distinguish in the background from this viewshed. However, due to the distance between Floradale Avenue and the project site, views of the project site from this viewshed would be visually subordinate to other visual features. Therefore, the Project would result in less than significant impacts on views from this public viewing corridor.

Ocean Avenue/Highway 246 Viewshed. Ocean Avenue, which is located approximately 1 mile south of the site, is designated as a scenic road from Z Street west to the road’s western limit. Existing views of the project site, looking north from Ocean Avenue viewpoints, include agricultural uses and associated structures and vegetation in the foreground, with residential uses in the background. The on-site riparian/wetlands areas are visible from these viewpoints, but difficult to visually distinguish against the background hillside. Proposed structures and other improvements would be slightly visible in the distance from Ocean Avenue viewpoints. The proposed improvements respective to these viewpoints would increase the amount of background urban development visible from these viewpoints. However, due to the distance between Ocean Avenue/ Highway 246 and the project site, views of the project site from this viewshed would be visually subordinate to other visual features. Therefore, the Project would result in less than significant impacts on views from this public viewing corridor.

Central Avenue Viewshed. The portion of Central Avenue between Floradale Avenue and Bailey Avenue is designated as a “City Entry” in the City of Lompoc General Plan. City of Lompoc General Plan Urban Design Element Implementation Measure 1 requires this City entryway to be identified and enhanced. Existing views of the project site looking southeast from Central Avenue viewpoints include agricultural uses and associated structures and vegetation in the foreground, with the central on-site riparian/wetlands vegetation in the middleground. In addition, the northern on-site riparian woodland area would be visible in the foreground from viewpoints along Central Avenue adjacent to the eastern portion of the site. Proposed structures and other improvements would be visible from several Central Avenue viewpoints. The proposed improvements respective to these viewpoints would

increase the amount of middleground urban development visible from these viewpoints. However, given the distance between the southern parcel and Central Avenue, as well as the presence of existing background urban development, Project impacts from this public viewing corridor would be less than significant.

Light and Glare Impacts. Site illumination provides safety for vehicular and pedestrian movement, and increases security. It can also serve to interpret the plan arrangement by giving emphasis to focal points, gathering places, landscaping, and building entrances. Well-conceived lighting gives clarity and unity to the overall site and to each subarea within it. At the same time, the introduction of new lighting into an unlit area would extend the light glow of an urban area further into rural areas, proportionally affecting the urban light glow in the nighttime sky.

At present there is minimal nighttime lighting of the project site. However, implementation of the Project would require additional lighting that could be visible from the residences located to the east of the site. Streetlights, entry lights, and interior lights have the potential to adversely affect nearby residences and degrade the nighttime view of the area. Project streetlight height limitations, and requirements for architectural compatibility with surrounding development would be incorporated into the Project as conditions of approval. Nevertheless, the addition of homes, accent lighting, and streetlighting in this area would contribute to an alteration of the rural character of the site and area.

Sources of glare that may affect nearby residences would be building exterior materials, surface paving materials, and vehicles traveling or parked on roads and driveways within the project area. Any highly reflective facade materials would be of particular concern, as buildings would reflect the bright sunrays. Typical single-family building materials would not be expected to generate significant glare. Project impacts related to glare would be considered less than significant.

Based on the above discussion, the proposed development has the potential to alter the aesthetic rural character of the site vicinity by changing the scenic views from public viewing locations, blocking views of on-site natural areas, and introducing new light generators into the area.

Mitigation Measures - Based upon the analysis presented in Section 4.1 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP.

Mitigation Measure AES-1(a): Viewing Platform. The applicant shall provide a pedestrian easement for a public viewing platform in the location of the existing sanitary sewer easement in the central portion of the site.

Reference - FEIR pages 4.1-3 and 4.1-9 through 4.1-11.

5.2 Biological Resources

5.2.1 Potentially Significant Direct Impact B-2. Project development could directly and indirectly affect the quality of on-site sensitive vegetation communities, including Central Coast Arroyo Willow Riparian Forest and Wetlands, which may be considered jurisdictional by the California

Department of Fish and Game (CDFG) or Regional Water Quality Control Board (RWQCB). This is a Class II, *potentially significant, but mitigable* impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Project facilities are proposed to be located outside designated on-site riparian and wetlands habitats. These habitat types are recognized by the California Natural Diversity Database (CNDDDB) as rare habitats. The past losses of riparian habitat in the region have resulted in a decline in the population of certain plant and wildlife species that are uniquely associated with this habitat type. The Project would not directly encroach into the central on-site riparian/wetland area. However, the Project proposes to widen Central Avenue adjacent to the project site, which would require removal of a narrow strip of the riparian habitat located in the northeastern portion of the site. The on-site riparian habitat may be under the jurisdiction of CDFG. Therefore, if the Project involves the removal of limbs or trunks of riparian vegetation with a diameter of 3 inches or greater, the Project may require issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code, for the widening of Central Avenue. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. With the avoidance of jurisdictional areas and/or attainment of a permit pursuant to Section 1600 of the State Fish and Game Code, the Project would result in less than significant impacts related to jurisdictional areas.

Although the Project would not directly remove any portion of these habitats, proposed development could indirectly impact the habitats. Discharges to wetlands and waters are subject to a Federal Clean Water Act (CWA) Section 401 certification from the RWQCB. Runoff from construction could have short-term significant impacts to on-site depressions if not properly mitigated. Silt, sedimentation, or run-off from construction practices, including oil and grease, could affect water quality in on-site depressions and in turn affect the species residing in or utilizing these areas. Long-term water quality impacts could also occur as a result of urban contaminants in Project runoff. Adverse effects on the water quality of on-site riparian and wetlands areas, could pose a risk to these habitats and the species that use them. Potential risk comes from the following sources: (a) fuels, hydraulic fluids, paints, solvents, and other chemicals; (b) roadways would become point sources for runoff into habitat areas; and (c) residential landscaping, pesticides, fertilizers, and herbicides would be introduced onto the site. The project site would incorporate biofiltration swales along the western site boundary that would filter contaminants from runoff. Since the on-site riparian and wetlands areas are not hydrologically connected to additional downstream water courses, Project water quality impacts would be limited to these areas. It should be noted that the vegetation within the on-site riparian and wetlands areas has had to adapt to existing poor water quality associated with agricultural runoff from the site. Implementation of the proposed residential uses would involve the elimination of agricultural production from the site, which would result in a net benefit to runoff water quality. Potential impacts associated with on-site and downstream water quality are further discussed and mitigated in Section 4.8, *Hydrology and Water Quality*, of the FEIR.

A 400-foot area to the south of the buffer would be used to contain soils contaminated with arsenic by the farming operation on the site. It should be noted that the required

implementation of a one-foot thick sub-cap of 10^{-6} cm/sec clay material to be placed below the clean soil cap in the arsenic-impacted soil storage area to limit water infiltration would reduce to a less than significant level potential impacts related to water leaching through the arsenic-impacted soils stockpile to the groundwater table. The implementation of the required sub-cap would eliminate the threat of water leaching through the impacted soils (Steven Nailor, Senior Hazardous Materials Specialist, County of Santa Barbara Protection Services Division, Hazardous Materials Unit, Telephone Communication, November 4, 2002). Therefore, residual and stockpiled arsenic-impacted soils would not substantially affect the on-site habitat areas. Refer to Section 4.7, *Hazards*, of the FEIR.

According to the "Bailey Riparian Area Water Supply Study" (Cleath & Associates, 2002), the central on-site riparian/wetland area forms ponded water during high ground water conditions in the underlying shallow aquifer, but headward erosion does not allow for long-term ponding. Because of this intermittent ponding and stream flow, water availability supporting riparian vegetation in this area has been limited, allowing for growth of water-bearing plants that could survive extended dry periods, such as willows. The proposed development will introduce impervious surfaces in the form of paved roadways, rooftops, sidewalks and other flatwork. The Project proposes to capture runoff flowing across and within the property boundaries, and to direct flows into bioswale areas located within the agricultural buffer in the western portion of the site. Habitat impacts could occur as a result of a decrease of water to the on-site riparian and wetland areas. Surface waters during storm events within the remaining depressions would be conveyed to the central on-site riparian/wetland area, thereby sustaining the hydrology necessary to support wetland areas. In addition, the implementation of the proposed residential uses involves connections to City water supplies and the elimination of pumping of groundwater from on-site wells for agricultural irrigation. Construction of the proposed impervious surfaces would slightly reduce groundwater recharge, and return water from pumped agricultural flows would no longer enter the hydrologic system. Nevertheless, Project drainage design features that allow water from the proposed bioswales to flow into the central on-site riparian/wetland area, would result in a net increase in flows to this area (Cleath & Associates, 2002). Therefore, no impacts would occur to water dependant animals, plants, and communities within these areas.

Construction-related dust could collect on vegetation within the on-site sensitive habitat areas that could result in vegetation mortality. In addition, construction equipment could damage habitat if not properly confined to the development area. Implementation of standard City dust control conditions of approval, as described in Section 4.3, *Air Quality*, of the FEIR, would ensure that such impacts would be less than significant.

Increased human and domestic animal presence could result in long-term impacts to the sensitive on-site habitats. The effects on sensitive habitats from this source would include vegetation trampling, trash and animal waste accumulation, vandalism and the spread of non-native noxious weeds. Project development would intentionally and unintentionally introduce or maintain non-native invasive plants through landscaping of new residences/structures and streets. Project buildout may result in the spread of non-native plants through disturbance and escapes of ornamentals. Invasive species often out-compete native plant species for space, light, and nutrients. Furthermore, non-native invasive species typically produce large quantities of seed or reproduce through asexual reproduction, therefore, making control of these species difficult, especially once established.

The Project proposes setbacks of 25 feet between the on-site riparian/wetland areas and proposed site improvements, with the exception of the proposed encroachment of the widened Central Avenue into the northeastern riparian area. Without incorporation of additional measures to protect sensitive habitat, this setback would not be adequate to ensure protection of the on-site riparian/wetland areas from intrusion related to human activity, domestic animals, lighting, and non-native plants. This would be considered a potentially significant impact.

Mitigation Measures - Based upon the analysis presented in Section 4.4 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant.

Mitigation Measure B-2(a): Construction Practices. Construction equipment shall be confined to roadways, building pads, and designated staging areas, by implementing, at a minimum, the following measures:

- Vehicular traffic shall not enter the riparian setback areas;
- Erect temporary barriers to designate the limits of the riparian setback areas. Barriers shall be sturdy protective fencing consisting of orange construction netting supported by metal staking at 8-foot intervals. Silt fencing shall also be located and properly installed around the perimeter of all construction areas, to protect the riparian/wetlands areas and setback areas from siltation;
- Post signs and fences designating restricted areas;
- Prohibit staging, lean-out, concrete washout, and fueling areas in or adjacent to the riparian/wetlands setback areas;
- Limit the temporary storage of construction equipment to a minimum of 100 feet away from the top of bank of on-site riparian/wetland areas or edge of riparian canopy, whichever is more restrictive;
- Limit areas of disturbance to 15 acres at any one time to reduce the impacts of dust on sensitive riparian and wetlands habitats. Cover or stabilize areas of stockpiled sand, soil, or similar materials, with the use of a chemical fixative. Prohibit such stockpiles within the riparian/wetland setback area. Schedule major grading to occur during morning hours only (i.e., before 12:00 pm). Cease all major grading if winds exceed 15 mph on-site at any time. Use tarpaulins or other effective covers when transporting materials to and from the project site during grading, excavation, or construction activities; and
- Conduct worker training education programs to inform all personnel of the requirements for protection of the sensitive natural resources that occur within or adjacent to the work areas.

In addition, a qualified biological monitor with experience in biological construction monitoring shall be designated and shall conduct pre-construction meetings with all construction personnel to discuss protection measures and identify specific areas of concern (e.g., riparian and wetland habitat areas). Only workers that have attended the pre-construction meeting and signed an agreement to observe all of the conditions and protective measures shall be allowed to work on-site.

Mitigation Measure B-2(b): Sediment and Erosion Control Plan. The applicant shall prepare and submit for approval of a sediment and erosion control plan that specifically

seeks to protect waters and riparian/ wetland resources downstream of construction activities. All applicable City of Lompoc construction best management practices (BMPs) shall be implemented (refer to Appendix L of the FEIR). Erosion control measures shall be implemented to prevent runoff into the on-site depressions. Silt fencing, fiber rolls, gravel bags, mulching erosion control blankets, and soil stabilizers and storm drain filters, shall be used in conjunction with other methods to prevent erosion and siltation of the depression areas. The plan shall also address frequency of sediment removal from bioswales and location of spoil disposal. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.

Mitigation Measure B-2(c): Riparian and Wetland Buffers. Development envelopes shall be located so that all riparian and wetland habitat, including the central on-site riparian/ wetland habitat, and Central Avenue riparian habitat, is buffered from development (including grading and structures) by an average 40-foot setback with a minimum setback of 25 feet. Setback distances shall be measured from the outside edge of the dripline of existing vegetation or top of bank in the riparian and wetland area, whichever is more restrictive. Passive use recreational trails and/or overlooks will be allowed within the setback area, provided that they do not remove jurisdictional habitat. In such trail areas, the HOA shall provide for maintenance and management activities (e.g., trash removal, regular weed abatement, and policing to ensure users comply with the goals of the management plan for the on-site wetlands areas) of the trail, setback area, and associated natural resources. A pervious walking path may be constructed at the outermost edge of the setback area (i.e., furthest 15 feet). The walking path shall only be open from dawn to dusk. The riparian and wetland habitat area and average 40-foot buffer zone (minimum 25-foot) for preserved riparian/ wetland areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators. The applicant shall provide a conservation easement and access easement for all on-site riparian and wetland areas, as well as the wetland setback/ buffer area.

The riparian and wetlands setback area shall be planted in native vegetation. Ornamental and non-native vegetation shall be prohibited in the setback area. Areas within the landscape buffer shall be revegetated within 60 days of grading activities, with deep-rooted, native, drought-tolerant species to minimize erosion potential. A landscape plan prepared by a botanist or landscape architect shall be provided to address landscaping within the setback areas. The plan shall include the number, type, size, location and distance-on-center of plant material. The native landscaping shall be dense between the metal fencing and the riparian area/ top of bank. The landscape plan shall include success criteria and a monitoring program. Seasonally-timed weed abatement activities shall be implemented by the HOA and monitored by a designated biologist. An area designated for native riparian habitat restoration shall be incorporated into the riparian setback area to transition into the existing riparian vegetation.

If implementation of the recommended setback for the Central Avenue Riparian Area is not feasible due to physical, economic, or other constraints, then the applicant shall contract a qualified biologist to identify the number, size, and type of trees and large shrubs, including branches and trunks with a diameter of over 3 inches, within the on-site riparian and wetlands habitat. Any removed riparian or wetland vegetation shall be replaced on-site at a ratio of 3:1 to 5:1, depending on species, as determined by a qualified biologist. The

applicant will file a performance security with the City to complete restoration and maintain plantings for a five (5) year period. Encroachment into either the Central Avenue Riparian Area or Bailey Wetland Area may require issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code.

Regardless of the ultimate buffer distance, the Home Owner's Association (HOA) shall hire a qualified biological monitor to oversee the monitoring and maintenance programs for the setback/buffer area to ensure trash accumulation, vandalism and the spread of non-native noxious weeds does not occur. Inspections shall occur weekly during Project construction, and twice per year over the life of the Project to verify compliance with the Management Plan, and may be required more frequently if trash accumulation, vandalism or other maintenance issues are regularly observed. The qualified biological monitor shall produce regular (at least twice per year) monitoring reports submitted to the City following each monitoring visit. These inspections and maintenance shall be documented by the biological monitor and submitted to the Community Development Department for review. The biological monitor shall have the authority to stop all work immediately that is considered to be in violation of one or more permit conditions, at the sole discretion of the biological monitor.

Mitigation Measure B-2(d): Wetland Management. The applicant shall contribute funds, in an amount to be determined by the City, as a fair share proportion of the Bailey Wetland Management Plan and maintenance costs. This contribution shall be added to previously contributed monies deposited as a condition of development of the Elwood Estates and Willows Manufactured Home Park. The maintenance fund is designed to address impacts to the site resulting from the location of residences adjacent to the wetlands, such as the addition of ornamental landscaping, domestic pets, vandalism, and increased pedestrian traffic.

Mitigation Measure B-2(e): Exclusionary Fencing. Public access to the Bailey Wetlands shall be prohibited. A six-foot-high metal fence with approximately five-inch spacing between the slats shall be installed around the two on-site riparian/wetland areas (adjacent to Central Avenue and at the Bailey Wetlands) to prevent human and pet access to the sensitive biological resources associated with this area. The fence shall not have horizontal crossbars. The fence shall be installed approximately 15 feet from the top of bank of the riparian/wetland areas and the native riparian vegetation canopy, whichever is more restrictive. Fences shall be designed to ensure visibility for security purposes, and discourage domestic pet or vehicular and pedestrian access. Maintenance vehicle access to the existing on-site sanitary sewer facilities shall be maintained via a gate. Native woody vines and thorny shrubs shall be planted along the fenceline to hide the fence and prevent encroachment. Vegetation shall be locally-native species. The developer shall hire a qualified biologist to ensure that the protective fencing is placed prior to the initiation of Project construction. The qualified biological monitor shall periodically review site conditions during construction and annually review the conditions following construction to ensure compliance. Holes dug under the fence by animals and any potential vandalism problems shall be repaired as soon as detected.

Mitigation Measure B-2(f): Non-Native Plant Species Avoidance. In order to ensure that Project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a City-approved biologist. All invasive plant species shall be removed from the landscaping plan. Whenever

possible, plant material from regionally collected stock shall be used where subdivision landscaping specifications call for native species. In addition, the applicant shall provide to new residents a list of discouraged landscaping materials (refer to Appendix K of the FEIR). Any landscaping by private property owners adjacent to the riparian/wetland areas shall be confined to their property and shall not include any known non-native pest plants or inappropriate plant material that could potentially invade the protected riparian and wetland habitat areas, are determined by a qualified biologist.

Mitigation Measure B-2(g): Educational Signage. Signs describing access restrictions and the protected biological resources within the on-site riparian/wetlands areas, including the native habitat types and wildlife that occur within these areas shall be erected at key locations to ensure users of the site and the riparian buffer zone are informed of the sensitive biological resources present and the need to limit human access to the site. Signage shall include descriptions, illustrations, and photographs of native habitat types and wildlife that occur within the riparian/wetlands areas. In addition, all Project storm drains shall contain lettering informing the public that the runoff inlets drain into the river or wetland. Additionally, information shall be provided in the form of a pamphlet to future homeowners and renters at the time of transfer or lease of real property. The pamphlets shall include a description of the kinds of vegetation and wildlife expected to be found in the riparian/wetland areas, their significance and reasons why access should be limited. The educational signage and information shall be printed in English, Spanish, Braille, and other common languages to the Lompoc vicinity to ensure all users understand the rationale behind protecting riparian and wetland habitat areas.

If the Project requires issuance of a Streambed Alteration Agreement from the CDFG, pursuant to Section 1600 of the State Fish and Game Code for the widening of Central Avenue, the following mitigation measures will be required.

Mitigation Measure B-2(h): Central Avenue Widening Fish and Game Permitting. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan will be required to be written and implemented by a qualified biologist, and may include the following components:

- Mitigation plantings for the loss of existing riparian habitat should be located in the depression areas that are proposed to be modified or preserved as part of the Project to the fullest extent feasible. The compensatory program should provide a minimum 3:1 ratio of area to that impacted. However, agency permitting may require a higher ratio.
- As part of the plan, the applicant will prepare and submit for approval a mitigation-phasing plan to ensure that all restoration plantings are in place with sufficient irrigation prior to site occupancy.
- Removal of native species in the habitat areas that are to be retained will be prohibited.
- Prior to commencement of grading, the applicant will file a performance security with CDFG to complete restoration and maintain plantings for a five (5) year period; and
- Construction areas will be restricted to those areas shown on site Grading Plans in order to avoid impacts to native vegetation and sensitive habitats.

Construction area boundaries will be staked in the field. Construction envelopes will be designated on all grading and building plans.

- A qualified biologist/wetland scientist knowledgeable about biological permit requirements will monitor all grading activities within 100 feet of any jurisdictional habitats to ensure applicant compliance with permit conditions. The monitor will have the authority to immediately stop all work that is considered to be in violation of one or more permit conditions, at the sole discretion of the monitor. The monitor will prepare inspection reports on a weekly basis, unless more frequent submittals are considered necessary.

Mitigation Measure B-2(i): Water Quality and Habitat Protection. The following measures would be required as mitigation for impacts identified for the Project:

- The applicant shall ensure that the City's construction BMPs are included in the required SWPPP and implemented on-site.
- The slopes within the buffer zone shall be graded away from the wetlands.
- Sediment barriers shall be provided around the perimeter of the riparian area.
- Grading and clearing shall be completed during the dry season, normally April 15 through October 15.
- The areas of bare soil that are exposed at any one time shall be minimized.
- Cut and fill slopes and areas exposed by construction activity shall be stabilized during and after construction.
- No direct discharge of pollutants or stormwater runoff into the Bailey Wetlands shall occur, either during construction or after development.
- No areas shall drain to the wetlands directly. The site shall be graded and stormwater improvements installed to ensure that the water from the site drains to the combined structural filter/bioswale area.
- The bioswale and structural filter shall be inspected and maintained before and after the rainy season.
- Plastic shall be placed over any ground surface where fueling or equipment maintenance is to occur.
- Drip pans shall be placed under equipment parked on-site.

Reference - FEIR pages 4.4-16 through 4.4-24.

5.2.1 Potentially Significant Direct Impact B-3. Project implementation would result in indirect impacts on the populations and available habitat of wildlife in general, including special-status species. Because of the sensitivity and quality of existing on-site habitats, and potential presence of a number of sensitive wildlife species on-site, the loss of wildlife habitat is considered a Class II, *potentially significant, but mitigable*, impact.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Potential long-term impacts to wildlife are related to construction noise and human presence. Specific impacts include the disruption of patterns

of habitat use, displacement of individuals, disruption of breeding habits, disruption of wildlife movements, and night lighting.

Impacts to Wildlife in General. The vegetation changes associated with Project development would reduce the acreage of the vegetation along the Central Avenue corridor. Project development would likely result in increased mortality to species that continue to utilize the project site after development due to domestic and feral animal predation and collecting, as well as attrition of important prey resources for wildlife.

A wide variety of wildlife species could be adversely affected by the presence of lights from the proposed development. Nocturnal species that rely on darkness to hunt or evade predators would be targeted, including owls, nighthawks and rodents. Certain species of aerial-foraging bats may be helped by night lighting because of their attractiveness to prey items such as flying insects.

Impacts to Special-Status Wildlife. The special-status species listed in Table 4.4-2 of the FEIR, if present on the project site, are likely to be impacted by indirect activities associated with Project implementation. Special status wildlife species expected to occur on the project site include several raptor species, as well as yellow warbler, least Bell's vireo, and southwestern willow flycatcher. Of these species, only yellow warblers were identified on-site during focused species surveys. Development of the project site would not directly remove potential raptor nesting habitat, but could result in indirect impacts on sensitive wildlife species due to disturbance from increased noise, lighting, and human and domestic animal activity on the project site.

Impacts to Wildlife Movement Barriers. Roads and other improvements often fragment habitat patches thereby affecting wildlife movements. Barriers to movement such as roadways are disproportionately greater for small-sized animals, but even large mammal movements are affected by these features. Most of the impact to larger animals results in re-adjustment of home ranges, breeding territories, and foraging habits in response to changes in prey movements. The proposed improvements would create a barrier to movement between the two on-site riparian/wetland areas. However, since active agricultural uses historically and currently separate these two areas, the site has limited potential for wildlife movement between these areas. Therefore, Project impacts on wildlife corridors would be less than significant.

Impacts Related to Invasive Non-Native Species. Project development would intentionally and unintentionally introduce or maintain non-native animals such as house sparrows, European starlings, dogs, cats, Norway and black rats, and house mice to the project site. In addition, Project development would intentionally and unintentionally introduce or maintain non-native invasive plants through landscaping of new residences/structures and streets. The introduction and/or continued presence of these species would directly and indirectly impact wildlife resources in several ways: 1) by out-competing native species for food; 2) predation; 3) and habitat alteration. Pedestrians, for example, may alter habitat, particularly for ground-dwelling sensitive species, such as the northern harrier and burrowing owl, which feed on or near the ground. Project implementation may result in the spread of non-native plants through disturbance and escapes of ornamentals, as described in Impact B-2. This could potentially impact wildlife, including sensitive species due to loss of food resources and cover.

Although not a direct impact to wildlife, the introduction of domestic cats and dogs could create conflicts between predators such as coyotes and domestic animals. Residents may kill such predators, with the possibility that other non-predator species could be affected.

Impacts to Water Resources. Adverse effects on the water quality of the on-site riparian/wetland areas could pose a risk to the species that use them. The introduction of sediments, fuels, oils, solvents, pesticides, fertilizers, herbicides, and animal waste to these watercourses is considered a potentially significant impact on wildlife. Potential impacts associated with on-site and downstream water quality are further discussed and mitigated in Section 4.8, *Hydrology and Water Quality* of the FEIR.

Mitigation Measures - Based upon the analysis presented in Section 4.4 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP.

Mitigation Measure B-3(a): Ground Disturbance Timing. In order to avoid impacts to nesting birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities for each Project phase within 500 feet of riparian/wetland areas shall be limited to the time period between September 1 to March 31 if feasible. If initial site disturbance and grading cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, then all construction work shall be conducted at least 500 feet from the nest until the adults and young are no longer reliant on the nest site, as determined by a qualified biologist. If no active nests are found during the pre-construction survey, construction, grading, and tree removal can be initiated. A report detailing the survey activities and results shall be prepared by the biologist and submitted to the City's Planning Division, prior to the issuance of grading permits.

Mitigation Measure B-3(b): Pet Brochure. The applicant shall prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site; similarly, inform potential homebuyers of the potential for coyotes to prey on domestic animals.

Mitigation Measure B-3(c): Night Lighting Standards. The following standards pertaining to night lighting shall be added to the Project's design guidelines:

Night lighting of public areas shall be kept to the minimum necessary for safety purposes, as follows:

- Exterior lighting within 100 feet of on-site riparian/wetland areas shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting shall be low intensity.
- Use of permanent high-intensity floodlights on residential lots shall be restricted and all residential lighting shall be shielded.
- Light sources at the edge of the riparian canopy shall be no more than one foot candle.

Where structures are located adjacent to riparian and wetland setback areas, building materials shall not produce glare that would adversely impact the habitat, as determined by a qualified biologist. Windows shall not be mirrored.

Mitigation Measure B-3(d): Brown-headed Cowbird Monitoring. A qualified biologist shall conduct annual assessments of the presence of brown-headed cowbird within the riparian/wetlands areas. Any brown-headed cowbirds young found parasitizing another species shall be removed from the nest and exterminated by a qualified biologist.

Reference - FEIR pages 4.4-25 through 4.4-27.

5.3 Cultural Resources

5.3.1 Potentially Significant Direct Impact CR-1. There is the potential that Project construction will disturb previously unidentified buried archaeological deposits and/or human remains. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Given the presence of recorded archaeological sites in the project vicinity, there is potential for buried archaeological deposits to occur within the project site. Construction in areas not known to contain archaeological resources may nevertheless affect previously unidentified resources, given the cultural sensitivity of the project area. This would be considered a potentially significant impact unless mitigation is incorporated.

Mitigation Measures - Based upon the analysis presented in Section 4.5 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure CR-1(a): Archaeological Resource Construction Monitoring. At the commencement of Project construction, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological and/or historic artifacts are encountered during Project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:

- I. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- A. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 - 1. The coroner has 24 hours to notify the Native American Heritage Commission.
 - 2. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
 - 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.
- II. Where the following conditions occur, the landowner or his authorized representatives shall repatriate the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity will be pursuant to the discretion of a Chumash representative if a descendent is either not identified or fails to respond to notification.
- A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - B. The descendent identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Mitigation Measure CR-1(b): Halt Work Order. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.

Reference – FEIR pages 4.5-5 through 4.5-7.

5.4 Geology and Soils

5.4.1 Potentially Significant Direct Impact G-1. Although the project site is not located in the

vicinity of any active or potentially active faults, the region in general is subject to seismic activity. Ground shaking has the potential to cause fill material to settle, destabilize slopes, and cause physical damage to structures, property, utilities and road access. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The project site is located approximately 89 kilometers from the San Andreas Fault and about 20 kilometers from the Santa Ynez Fault. Probabilistic ground accelerations for the site should be considered along with ground shaking hazards. The California Division of Mines and Geology (CDMG) Seismic Shaking Hazard Maps of California (1999) lists a 10% probability of experiencing 0.25-0.35g peak horizontal ground acceleration within the next 50 years for the region.

Besides the direct physical damage to structures caused by ground shaking, marginally stable landslides, slopes, and inadequately compacted fill material could move and cause additional damage. Gas, water, and electrical lines could be ruptured due to groundshaking, or broken during movement of earth caused by the earthquake, which could jeopardize public safety. Impacts related to seismic groundshaking would be considered potentially significant.

Mitigation Measures - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-1(a): Building Code Compliance. Aboveground structures shall be designed and built according to the most recent State and local adopted Building Codes.

Reference - FEIR page 4.6-10.

5.4.2 Potentially Significant Direct Impact G-2. Soils at the site have the potential to present soil-related hazards (expansiveness) to structures and roadways on the project site and are considered Class II, *potentially significant, but mitigable*, impacts.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Expansive soils have a clay content and mineralogy that renders them susceptible to volume increase upon absorption of water and volume decrease upon drying. Repeated cycles of wetting and drying of expansive soils can cause severe distress to roadways, foundations, and concrete flatwork.

Approximately 85-90% of the proposed development would occur on soils considered to have a moderate potential for expansion. Structures and facilities constructed on these soils,

as well as occupants of the proposed facilities, could be exposed to hazards related to expansive soils. Impacts related to expansive soils would be considered potentially significant.

Mitigation Measure - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-2(a): Soils/Foundation Preparation. The project applicant shall implement the recommendations of the Geotechnical Investigation and Update prepared for the project site in November 2000 by SG Testing Laboratories, Inc. This shall include: preparation of building pads; preparation of paved areas; conventional foundations; slabs-on-grade construction; retaining walls; and pavement design. One or more of the following shall be implemented during construction of the Project:

1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
2. Removal of the highly expansive material and replacement with non-expansive import fill material.
3. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
4. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

Reference - FEIR page 4.6-11.

5.4.3 Potentially Significant Direct Impact G-3. Based on the field and laboratory test results, in situ bearing materials exhibit the potential for excessive total and differential settlements and have the potential for excessive post-construction settlements. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The surficial soils possess characteristics that could adversely impact the proposed construction and long-term serviceability of the structures due to the undesirable consolidation potential of the anticipated in situ bearing soils. Structures and facilities constructed on these soils, as well as occupants of the proposed facilities, could be exposed to hazards related to differential settlement of soils, which would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.6 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure G-3(a): Site Improvement Program. According to the recommendations set forth in the geotechnical report prepared for this site, a site improvement program shall be implemented in order to reduce the identified on-site soils hazards related to differential settlement. The project applicant or authorized agent thereof shall implement a site improvement program consisting of over-excavation of the anticipated bearing soils to an adequate depth below the zone of influence of the proposed structures and replacement with a properly compacted structural fill. Project grading and construction shall comply with the SG Testing Laboratories, Inc. recommendations for site preparation and grading, structural fill site drainage, foundations, lateral earth pressure and retaining walls, concrete slabs on grade, temporary excavations and utility trenches.

Reference - FEIR page 4.6-12.

5.5 Hazards

5.5.1 Potentially Significant Direct Impact HZ-1. The historic agricultural use of the project site could have included prolonged applications of agricultural chemicals, including arsenic. Development on the site could expose people to hazards related to residual quantities of these chemicals in excess of applicable health standards. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Pesticide use can result in groundwater or soil contamination, resulting in health hazards to humans. Pesticide use is often associated with row crop agriculture, and such contaminants can leach into the soil through extensive irrigation. Based on review of historical aerial photographs of the project site, the site has historically been used for cultivated row crops. The Phase II Shallow Soil Evaluation conducted by SCI (August 9, 2000) on the project site did not detect concentrations of semi-volatile organic compounds, polychlorinated biphenyls (PCBs), herbicides, or organo-phosphorous pesticides. The Shallow Soil Evaluation detected concentrations of tetrachloroethylene (PCE), dichlorodiphenyldichloroethylene (DDE), dichlorodiphenyltrichloroethane (DDT), and arsenic. Detected concentrations of non-arsenic metals were considered to be consistent with natural occurring or ambient background levels for each constituent. PCE, DDE and DDT identified in near surface soils were found to be below EPA's Region 9 standards for residential soils. Although total petroleum hydrocarbons (TPH) was detected on-site, TPH concentrations did not exceed regulatory action levels.

Mitigation Measures - Based upon the analysis presented in Section 4.7 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HZ-1(a): Arsenic Impacted Soils. The project applicant shall implement the following mitigation measures, as required by PSD-Fire:

- Removal from areas of the site proposed for residential use all soils containing arsenic levels greater than 13 mg/kg, the DTCS-HERD-approved background level.
- Placement of excavated arsenic impacted soils into the proposed grading borrow area located in the buffer zone.
- Installation of a one-foot thick sub-cap of 10⁻⁶ cm/sec clay material to be placed below the clean soil cap to limit water infiltration.
- Excavation verification sampling to prove that arsenic impacted soils have been adequately removed from the site.
- Submittal to PSD-Fire of grading maps certified by a licensed land surveyor before grading and after excavation of arsenic impacted soils to show that these areas were adequately excavated per the Corrective Action Plan and PSD-Fire directives.
- Implementation of a backfill area 30-foot setback from the retention basins proposed north of the proposed backfill area. This CAP condition would apply to the proposed bioswale areas in the location of the formerly proposed retention basins.
- Implementation of a backfill area 10-foot setback from all proposed utility corridors that may exist on all sides of the proposed backfill area to prevent future trenching through the material.
- Recordation of the backfill area as a separate parcel that has a deed restriction placed on its title that included building and use restrictions.
- Incorporation of increased dust control measures by contractors performing site grading work to abate any inhalation hazards related to the arsenic impacted soils. These measures shall include frequent water application and provision of appropriate personal protective equipment (e.g., MSA-type filtered respirator dust masks) for all site workers.
- Provision of a minimum five-foot vertical separation from the bottom of the impacted material to the first groundwater encountered on-site. The material shall not be placed any lower than the 60-foot elevation and may need to be restricted to the 65-foot elevation. This would substantially reduce the volume of material that can be placed in the “borrow area” and shall therefore require a corresponding increase in area to be used as “borrow/ backfill area” with the pertinent restrictions on development and use.
- Prior to grading of affected areas of the site, submit to the City and PSD-Fire evidence that a Waste Discharge Requirement (WDR) waiver or permit for the disposal of arsenic impacted soils at the site has been obtained from RWQCB.

Reference – FEIR pages 4.7-4 through 4.7-7.

5.5.2 Potentially Significant Direct Impact HZ-2. Due to the presence of 55-gallon and 5-gallon drums and other storage containers with adjacent stained soil on the project site, on-site soils may contain contaminants that could pose a risk to health. Impacts would be considered Class II, *potentially significant, but mitigable.*

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Unmarked 55-gallon and 5-gallon drums and adjacent stained soils in the west central portion of the project site adjacent to the mobile storage trailer may have the potential to cause a health risk to people if not properly disposed. Soils testing conducted in the immediate vicinity of the mobile storage trailer as part of the Phase II Shallow Soil Evaluation (August 9, 2000) identified concentrations of TPH, DDE, and DDT. According to the Phase II evaluation, concentrations of TPH, DDE, and DDT in this area would not require typical “regulatory agency oversight.” Arsenic was identified in the mobile trailer area in concentrations ranging from 12.2 mg/kg to 12.7 mg/kg, which would exceed EPA’s Region 9 standard of 0.39 kg/mg (cancer end-point) for residential soils. With the exception of arsenic, the metal concentrations found at the mobile trailer area were below the EPA Region 9 standards and were considered to be consistent with natural occurring or ambient background levels for each constituent. Project health and safety impacts related to on-site arsenic-impacted soils are described in Impact HZ-1. However, the on-site drums and other storage containers could contain residual chemical concentrations that could pose a health risk. Impacts are potentially significant unless mitigated.

Mitigation Measure - Based upon the analysis presented in Section 4.7 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HZ-2(a): Removal of On-site Storage Containers. All storage containers on the project site, including the 55-gallon and 5-gallon drums, above ground storage tank and other debris located in the area of the mobile storage trailer, shall be removed from the site prior to issuance of a grading permit, and disposed of in an approved disposal facility. Soil sampling and testing shall be conducted by a licensed professional in the area of removed storage containers to confirm that remaining soils contain no concentrations of residual chemicals that exceed EPA standards. If verification soil sampling indicates that remaining soils in the area exceed EPA standards, then DTSC and PSD-Fire shall be contacted to determine the level of any necessary remediation efforts, and these soils shall be remediated in compliance with applicable laws.

Reference – FEIR page 4.7-8.

5.6 Hydrology and Water Quality

5.6.1 Potentially Significant Direct Impact HWQ-1. During construction, the soil surface would be disrupted and potentially become subject to erosion, with potential sedimentation of on-site

depression areas. After construction, some erosion would also be expected. This is considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - If grading occurs during the rainy season or in the event of heavy storms, soils from the site could be entrained, eroded, and transported to the drainages within and adjacent to the site. Grading operations are expected to increase erosion and sedimentation to depression areas. Uncontrolled discharges of sediment are considered a potentially significant impact to water quality.

Regulations under the federal Clean Water Act require that a National Pollutant Discharge Elimination System (NPDES) storm water permit be obtained for projects that would disturb greater than five acres during construction for projects constructed prior to March 2003, and for projects that would disturb greater than one acre during construction for projects constructed subsequent to March 10, 2003. Acquisition of the General Construction permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains specific actions, termed Best Management Practices (BMPs) to control the discharge of pollutants, including sediment, into the local depression areas. The Project would be subject to these regulations, which would apply to the Project in its entirety and not individual lots by themselves.

Grading and vegetation removal in proximity to the on-site riparian/wetlands areas could result in an increase in erosion and sedimentation of topographic depressions, affecting both water quality and the stability of slopes along these depressional areas.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-1(a): NPDES Permit. Prior to approval of Grading Permits for the first Project phase, the applicant shall obtain a NPDES storm water permit from the California Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) for the entire site (not individual lots) shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the topographic depressions and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Additional BMPs shall be implemented for on-site construction activities including fuel storage and handling, concrete waste management, material delivery and storage. A list of BMPs shall be attached to Project plans and posted at the construction site.

Mitigation Measure HWQ-1(b): Temporary Berms and Basins. Temporary berms and sediment basins shall be constructed to avoid unnecessary siltation into topographic depressions during construction activities.

Mitigation Measure HWQ-1(c): Grading and Drainage Plans. Grading and drainage plans for both the tract and individual lots shall be designed to minimize erosion and water quality impacts. Plans shall include the following:

- a. A non-invasive temporary erosion control seed mix shall be applied to all graded areas. Areas within 50 feet of the on-site riparian/wetland habitats shall be revegetated within 60 days of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established;
- b. Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from the top of bank of on-site riparian/wetland areas; and
- c. Erosion control structures shall be installed.

Reference – FEIR pages 4.8-4 through 4.8-6.

5.6.2 Potentially Significant Direct Impact HWQ-2. The Project would introduce paved and roofed areas and thus has the potential to result in increased peak stormwater discharges and volumes of runoff. Impacts are considered Class II, *potentially significant, but mitigable*.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The Project would increase the area covered by impervious surfaces, resulting in potential increases in surface runoff and accelerated erosion. Under 100-year storm conditions, the Project would increase peak runoff flow rates by approximately 3 cubic feet per second in the Southern Parcel. The Project proposes to convey drainage by either street surface flow or closed conduit to a bioswale area within the proposed buffer area in the westerly portion of the site. The bioswales would allow the settlement of suspended particles and reduce stormwater runoff rates. The bioswales would be sloped to a central location where a pump station would be available to direct the flow into the central on-site riparian/wetland area. The central on-site riparian/wetland area would have the capacity to retain a 100-year storm event. Streets would be designed to accommodate flow associated with a 25-year storm event. According to the “Preliminary Drainage Report” prepared for the Project (Penfield & Smith, September 2002), the receiving central riparian/wetland area has more than enough storage capacity (180 acre feet) to easily absorb this increase in the total runoff volume without significant negative impacts to that area. Improperly designed bioswales would result in potentially significant impacts related to peak stormwater discharges and volumes of runoff.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-2(a): Bioswale Specifications. Bioswales shall be designed to meet the following standards:

- a. Low Flow Drainage: The bottom of the bioswales shall have a minimum gradient of 2% draining to the outlet, or a low flow reinforced concrete swale shall be provided with a minimum gradient of 0.5% draining to the basin outlet.
- b. Landscaping. The City shall review any proposed bioswale landscape plan. Landscaping shall be selected to minimize maintenance, while minimizing impact to native and sensitive species that could be harmed by invasive plant species.
- c. Bioswale Design. Bioswales shall be planted with a variety of riparian species, including woody riparian species. Following grading of the bioswale area, silt fencing and construction fencing shall be installed around the perimeter of the bioswale to protect the area from erosion and siltation. Any bare soils in the bioswale area shall be hydroseeded prior to the start of the rainy season (October 15th) of each construction year. During the rainy season and following large storm events, the biofiltration swale shall be inspected by the Homeowner's Association to ensure proper function.
- d. Maintenance: Prior to occupancy of the first unit, the applicant shall ensure completion of a Homeowner's Association maintenance plan to assure perpetual maintenance of the bioswales and related on-site private drainage improvements and to allow the City emergency access. A copy of the homeowners CC&Rs shall be submitted to the City for approval. Monitoring of the bioswales shall ensure that trash accumulation, vandalism and the spread of non-native noxious weeds do not occur and that the filter media in the vortex filters is replaced, per the manufacturers recommendations.

Reference – FEIR pages 4.8-6 through 4.8-8.

5.6.3 Potentially Significant Direct Impact HWQ-3. The northern portion of the Southern Parcel of the site is located within a flood hazard area associated with the Santa Ynez River. The Project proposes to construct the finished floors of the residences at least 2.5 feet above the flood water surface. Therefore, impacts related to flood hazard exposure are considered Class II, *potentially significant, but mitigable*.

Finding – Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The analysis of the ability of the central riparian/wetland area to receive storm water runoff indicates a storage capacity of 180 acre-feet. The total volume from the inflow hydrograph from the 100-year storm event is less than 40 acre-feet. Therefore, the site is not likely to be flooded by surface water overflowing from the central riparian/wetland area under Project conditions (Penfield & Smith, September 2002).

Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs), the Southern Parcel is located outside 100-year flood hazard zones. Waters from the Santa Ynez River that rise during a 100-year storm event would be contained outside the building lots, and the finished floors of the residences would be at least 2.5 feet above the flood water surface. However, without obtaining a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), the Project would not be guaranteed to comply with the National Floodplain Insurance Program (NFIP)

requirement that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. Potentially significant impacts would result.

Mitigation Measures - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-3(a): Conditional Letter of Map Revision (CLOMR). Prior to approval of Grading Permits for the tract, the applicant shall obtain a CLOMR from FEMA. The CLOMR request shall include detailed flood hazard analyses prepared by a qualified professional engineer, consistent with FEMA requirements. The applicant shall comply with all conditions and requirements of the CLOMR.

Mitigation Measure HWQ-3(b): Prohibition of Floodwater Displacement. Prior to issuance of grading permits, the applicant shall submit plans to the Community Development Department and Public Works Department that depict an overland escape route for runoff to ensure that the placement of fill on the project site to raise the proposed building pads out of the floodplain does not divert substantial runoff onto adjacent properties.

Reference - FEIR page 4.8-8 and 4.8-9.

5.6.4 Potentially Significant Direct Impact HWQ-4. Due to the intensification of uses proposed on the project site, there is the potential for storm water transport of pollutants, bacteria, and sediment into downstream facilities. Impacts are considered Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - The development of residential uses on the project site would result in an increase of pollutants into runoff when compared to existing undeveloped conditions. Pollutants associated with Project buildout would affect the water quality of on-site topographic depression areas. Receiving waters would assimilate a limited quantity of each constituent, but beyond certain thresholds the measured amount of the constituent is considered a pollutant. Major non-point source pollutants include: sediment, nutrients, trace metals, oxygen-demanding substances, bacteria, oil and grease. The most abundant heavy metals in urban stormwater are lead, zinc, and copper, which together account for 90% of the dissolved heavy metals. Heavy metals are generally vehicle related and influenced by traffic volumes.

Subsequent to Project implementation, discharge from non-point sources on the project site would be conveyed to stormwater facilities. Stormwater quality is affected by several factors, including: the length of time that has elapsed since the previous precipitation, the volume of precipitation, the types and amounts of urban land uses in the area, and the quantity of transported sediment. The first flush of the storm occurring after the dry-season period generally contains the highest quantities of urban pollutant loads. Proposed landscaped areas are a source of nutrient loading from fertilizers. However, the potential

impacts from fertilizer application could be minimized through timing of the application to avoid rainy periods.

Development of the project site with residential uses would be expected to increase the quantities of pollutants with runoff from streets, lawns, parks, and gardens. Other activities that may increase pollutants due to site development include: motor vehicle operations in the area, pesticide uses, human littering, careless material storage and handling, and pavement disintegration.

The Project would result in the discontinuation of agricultural production, and the associated use of agricultural chemicals, at the project site. This would result in beneficial impacts related to water quality.

A 400-foot area to the south of the buffer would be used to contain soils contaminated with arsenic by the farming operation on the site. It should be noted that the required implementation of a one-foot thick sub-cap of 10^{-6} cm/sec clay material to be placed below the clean soil cap in the arsenic-impacted soil storage area to limit water infiltration would reduce to a less than significant level potential impacts related to water leaching through the arsenic-impacted soils stockpile to the groundwater table. The implementation of the required sub-cap would eliminate the threat of water leaching through the impacted soils (Steven Nailor, Senior Hazardous Materials Specialist, County of Santa Barbara Protection Services Division, Hazardous Materials Unit, Telephone Communication, November 4, 2002).

The Project proposes to convey drainage by either street surface flow or closed conduit to a bioswale area within the proposed buffer area in the westerly portion of the site. The bioswales would serve to filter the runoff by routing flows across grassy areas to remove silts and oils from the paved streets. Bioswale specifications are identified in Mitigation Measure HWQ-2(a). Nevertheless, water discharged from the bioswales could contain substantial quantities of contaminants, which would be considered a potentially significant impact related to post-construction water quality.

Mitigation Measure - Based upon the analysis presented in Section 4.8 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure HWQ-4(a): Water Filtration Units. The inlet on storm drains shall be designed to include vortex water filtration units to reduce the sediment load, oil and grease, and floatable debris contained in the runoff water before discharge to the biofiltration swale inlets. The filters shall be maintained by the HOA. Maintenance shall include regular inspections, measurements of the volume of accumulated sediment, oil and grease, and periodic removal of accumulated materials.

Reference - FEIR pages 4.8-10 and 4.8-11.

5.7 Noise

5.7.1 Potentially Significant Direct Impact N-4. The Southern Parcel of the site is located under a flight path for Lompoc Airport and Vandenberg AFB. Therefore, Project residents would be exposed to

air traffic noise, which may cause a sporadic noise nuisance. This impact is considered Class II, *potentially significant, but mitigable*.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Although future Project residents would not experience exceedances of the City noise standards from aircraft operations at Vandenberg AFB, area residents may experience annoyance from individual aircraft overflights. Normal operating hours for the Vandenberg AFB airfield are 8:00 AM to 5:00 PM, Monday through Friday. Under unusual circumstances, the airfield is opened to single military aircraft during evenings and weekends. It is estimated that 93 percent of the aircraft operations approach the airfield from the southeast (over the City of Lompoc) and depart to the northwest (over the Pacific Ocean). The exposure of future Project residents to noise nuisances from aircraft overflights would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.10 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure N-4(a): Reduction of Noise Levels from Aircraft. All habitable site structures shall contain the following design details:

- Tight-fitting standard dampers and glass doors for fireplaces, if applicable; and
- Standard solid wood sheathing (minimum ½ inch thick) under roof coverings.

Mitigation Measure N-4(b): Disclosure of Air Traffic Nuisance. Upon the transfer of real property and execution of leases on the project site, the transferor will be required to deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners and renters in the Project aware that although potential impacts or discomforts associated with aircraft overflights may be lessened by installation of the design features described in Mitigation Measure N-4(a), some level of nuisance would remain. This notification will be required to include disclosure of potential nuisances associated with aircraft overflights from Lompoc Airport and Vandenberg AFB, including a description of noise and safety impacts associated with such overflights.

Reference - FEIR page 4.10-12.

5.8 Public Services

5.8.1 Potentially Significant Direct Impact PS-3. The proposed development on the Southern Parcel of the site would generate an estimated total of 91 elementary, middle and high school students. Students generated by the Project would exceed the enrollment capacity of Clarence Ruth Elementary School, which would require the implementation of additional classroom facilities. Impacts to this school are considered *potentially significant, but mitigable*, Class II.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - A total of 91 students will be generated from the proposed development of the Southern Parcel of the site, using student generation numbers from the Lompoc Unified School District (LUSD). Based on current LUSD loading standards, to accommodate students generated by the Project, two additional classrooms would be needed at Clarence Ruth Elementary School to accommodate students generated by the Project.

Vandenberg Middle School and Cabrillo High School would maintain surplus capacity with implementation of the Project and associated student generation.

If needed, new classrooms would likely be portable classroom units placed on the grounds of a school. Development of new classrooms is a significant impact due to the physical effects associated with locating additional classrooms or portables on school grounds. Such physical impacts include construction of new classrooms and loss of playground facilities.

It should be noted that the current General Plan land use designation on the Southern Parcel is Low Density Residential with a School Overlay on the southwest portion of the site. The applicant is requesting a change to Low Density Residential, removing the school overlay, on this portion of the site. LUSD staff has indicated that a school is not planned on the site and that the removal of the school overlay designation from the site would not affect LUSD facilities planning.

Bussing service would be provided by LUSD between the site and Vandenberg Middle School and Cabrillo High School. However, due to its proximity to the site (approximately one mile), bussing service would not be provided between the site and Clarence Ruth Elementary School. Sufficient sidewalks are proposed on-site and on off-site pathways to the school (e.g., North Avenue, North "V" Street, Laurel Avenue) to ensure school children pedestrian safety between the site and school.

Mitigation Measures - Based upon the analysis presented in Section 4.11 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. With imposition of the following mitigation measures, impacts are less than significant.

Mitigation Measure PS-3(a): Buildout Date Notification. The applicant shall notify the Lompoc Unified School District of the expected buildout date of each phase of the Project to allow the District time to plan in advance for new students.

Mitigation Measure PS-3(b): Statutory School Fees. The applicant shall pay the statutory school fees in effect to the LUSD at the time of issuance of building permits.

Reference - FEIR pages 4.11-7 and 4.11-8.

5.9 Transportation and Circulation

5.9.1 Potentially Significant Direct Impact T-4. With the implementation of proposed roadway

improvements, the addition of Project-generated trips to the study-area roadways and intersections under cumulative conditions would nevertheless result in exceedances of roadway LOS standards along the segment of Central Avenue between “O” Street and “V” Street. Class II, *potentially significant, but mitigable*, impacts would result.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Development of the Project would result in the addition of 1,440 average daily trips, 112 A.M. peak hour trips, and 152 P.M. peak hour trips to the study-area roadways and intersections.

Roadway Levels of Service. The General Plan buildout + Project daily traffic volumes with the extension of North Avenue to Bailey Avenue were derived by adding the Project-generated daily traffic volumes to the General Plan buildout ambient daily volumes. Traffic generated by the proposed development of the Southern Parcel would utilize up to 8% of the current daily design capacity of the study area roadways. The Project would change the daily LOS on Central Avenue in the study area. All of the roadways analyzed, except the Central Avenue segments west of “O” Street and east of Bailey Avenue, and the segment of North Avenue east of “H” Street, are projected to provide LOS C on a daily basis under General Plan buildout conditions, with the addition of Project traffic.

The Project proposes to widen Central Avenue adjacent to the site to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. With the widening of Central Avenue to its master planned cross-section on the side of the roadway adjacent to the project site in conjunction with site development (consistent with the three-lane divided road cross-section located on Central Avenue east of the site), this roadway link would provide LOS B operation on a daily basis. With these proposed roadway improvements, impacts on this roadway segment would be less than significant.

Under cumulative + Project conditions, the segment of Central Avenue west of “O” Street would experience LOS F. This would be considered a potentially significant cumulative impact.

With or without the extension of North Avenue to Bailey Avenue, North Avenue (east of “H” Street) is projected to operate at LOS D with General Plan buildout traffic volumes. The Project would increase the projected future daily traffic volumes on this roadway segment by a small number of trips that would not be sufficient to change the General Plan buildout daily v/c ratio or LOS. Therefore, the contribution of the Project to cumulative projects at this roadway segment would be considered a less than significant impact.

Unsignalized Intersection Levels of Service. With Project-generated traffic volumes added to General Plan buildout ambient volumes, the average control delay at all three of the unsignalized key intersections would increase. The average approach control delay for the minor movement is projected to range from 12.8 seconds per vehicle to 21.7 seconds per vehicle. The increased average approach control delay during peak hours would not change the peak hour LOS on the minor approach at any of the key intersections. With Project-generated traffic added to the street network under General Plan buildout conditions, the

three unsignalized intersections would continue to provide LOS C or better operation during peak hours on the worst-case minor street approaches. The intersection of Bailey Avenue/Central Avenue is projected to experience a decrease in the minor approach delay of 4.4 to 4.5 seconds per vehicle. The baseline northbound approach volume is primarily composed of left-turning vehicles that experience relatively long delays. After the addition of Project traffic, the northbound approach volume would consist of predominately right-turn movements that experience much shorter average delays. This would improve the LOS during morning peak hours from LOS C to LOS B at this intersection. Impacts on unsignalized intersections would be considered less than significant.

Signalized Intersection Levels of Service. The signalized key intersections would provide acceptable LOS under General Plan buildout conditions with Project-generated traffic, with the signalization of the intersection of "V" Street/Central Avenue. Following the addition of Project-generated traffic, the change in the average control delay at the signalized key intersections would range from a decrease of 0.3 seconds per vehicle to an increase of 0.8 seconds per vehicle. These changes in average control delay would be insufficient to change the peak hour levels of service at any of the key intersections. Impacts on signalized intersections would be considered less than significant.

The two CMP intersections operate at LOS C with existing traffic volumes. These intersections are projected to continue to operate at LOS C following the addition of Project-generated traffic. Therefore, the Project would result in less than significant impacts on the two CMP intersections, based on SBCAG threshold criteria.

Mitigation Measure - Based upon the analysis presented in Section 4.12 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure T-4(a): Fair Share Traffic Mitigation Fees. The project applicant shall provide fair share traffic mitigation fees to widen the segment of Central Avenue between "O" Street and "V" Street to a four-lane divided cross-section. If Central Avenue (west of "O" Street) is widened to a four-lane divided cross-section, it would operate at acceptable LOS C on a daily basis with General Plan buildout + Project traffic volumes.

Reference - FEIR pages 4.12-23, 4.12-25 and 4.12-26.

5.10 Utilities

5.10.1 Potentially Significant Direct Impact U-5. The Project would generate approximately 170.6 tons of solid waste per year. The solid waste disposal services and landfill that would serve the Project have adequate capacity to accommodate the waste generated by the Project. However, the Project would result in the use of part of the limited remaining capacity of the landfill. Therefore, solid waste generation would be considered a Class II, *potentially significant, but mitigable*, impact.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - Solid waste generation is a function of the number of homes, household size, and per capita waste generation. Construction activities and new residents generated by the Project would produce solid waste beyond existing conditions. Average residential waste generation in the City is approximately 2.2 pounds per resident per day. Based on factors of 2.83 persons per single-family dwelling unit, the proposed development of the Southern Parcel would be expected to generate approximately 425 residents. Therefore, prior to implementation of any recycling programs, at buildout the Project would generate approximately 935 pounds per day or 170.6 tons per year of waste. This amount of solid waste generated would represent a small percentage of the allowable daily waste acceptance (500 tons) but would nevertheless hasten the utilization of the remaining capacity at the landfill. However, the Project would not require additional systems or services. The solid waste generated by the Project has been accommodated in City solid waste planning based on designated General Plan land uses. Due to the heavy waste collection load on Mondays, waste from the project site would likely be collected once per week on Tuesdays (Stine, 2002).

Project implementation would not result in any change to service in the area or any significant changes to the disposal operations. The Project would not create the need for any special solid waste disposal handling and would therefore comply with all statutes and regulations related to solid waste. However, Project construction and occupancy would hasten the utilization of the remaining City of Lompoc Sanitary Landfill capacity, which would be considered a potentially significant impact.

Mitigation Measure - Based upon the analysis presented in Section 4.13 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. With imposition of the following mitigation measure, impacts are less than significant.

Mitigation Measure U-5(a): Construction Solid Waste Minimization. During the construction phases of the Project, the following mitigation measures shall be implemented by the project applicant and authorized agents thereof to reduce solid waste generation to the maximum extent feasible:

- Prior to construction, the contractor will arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials will be located onsite. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris may all be recycled.
- The contractor will designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors will be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.
- The above construction waste recycling measures will be incorporated into the construction specifications for the contractor.

Reference - FEIR pages 4.13-9 and 4.13-10.

6.0 FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT FEASIBLY BE AVOIDED OR MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City finds, based upon the threshold criteria for significance presented in the FEIR, that the following environmental effects of the Project will be significant and cannot be avoided or substantially lessened through mitigation to a level of insignificance. Nevertheless, as explained in the Statement of Overriding Considerations set forth below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the Project. Environmental effects in the following areas were found to be significant: Agricultural Resources (Direct); Air Quality (Direct and Cumulative); Noise (Direct and Cumulative); and Land Use (Cumulative).

6.1 Agricultural Resources

6.1.1 Significant Direct Impact AG-1. The Project would permanently convert areas that previously and/or currently support crop production. The site contains prime soils and is considered protected farmland. Therefore, the Project would result in Class I, *significant and unavoidable*, impacts related to agricultural conversion.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The portions of the site proposed for residential development support prime soils. In addition, the portions of the agricultural property located south of and adjacent to the project site that are proposed for annexation to accommodate the extension of North Avenue west to Bailey Avenue contain Class I prime soils and active agricultural uses, and are under an existing Williamson Act contract. The portions of the site proposed for development have historically and/or currently contain active agricultural uses. Development on these portions of the site and off-site property would preclude large-scale crop production in these areas in the future. Implementation of the proposed residential units and associated facilities would occur on Class I soils that would be considered prime soils. In addition, the areas of the project site proposed for development are considered Prime Farmland by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP, 2000). The County of Santa Barbara Environmental Thresholds and Guidelines Manual (1995) Agricultural Resources Guidelines Determination of Agricultural Value methodology was used to determine the severity of Project impacts on existing on-site farmlands. This methodology weights nine site components (i.e., parcel size, adjacent land uses, water availability, plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations) according to their estimate resource value. According to

this methodology, the impact of Project development on existing on-site prime agricultural lands would be considered potentially significant.

The approximately 40-acre Southern Parcel would represent a very small percentage (i.e., 0.005%) of the total agricultural land in the County (i.e., 710,768 acres, as of the year 2001). In addition, the project site parcels are currently designated for urban use in the City's General Plan. Nevertheless, permanent Project development on prime soils and active farmlands is considered a significant and unavoidable impact.

Reference - FEIR page 4.2-3.

6.1.2 Significant Direct Impact AG-2. Development may result in land use conflicts between proposed uses and existing agricultural operations off-site on adjacent properties. Since the current site plan could not feasibly accommodate recommended agricultural buffers along the southern site boundary, this is considered a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Active agricultural lands are located throughout the project vicinity and immediately adjacent to the site to the south and west. The Project may result in potential conflicts between the existing agricultural operations and new non-agricultural uses. Residents living adjacent to farmland commonly cite odor nuisance impacts, noise from farm equipment, dust, and pesticide spraying as typical land use conflicts. The County's right to farm ordinance would protect on-going agricultural operation from nuisance lawsuits. Pesticides may continue to be used in restricted quantities on the adjacent off-site agricultural properties.

The County Department of Agriculture maintains recommended standards for setbacks (buffers) between development and agricultural property based on the types of pesticides used at the agricultural property. It should be noted that non-restricted use pesticides are subject to laws and regulations applied statewide, but can be purchased and used without permit from the County Department of Agriculture. The Agricultural Commissioner has the authority to impose spray buffers and other restrictions to pest management practices due to development or other potential hazards near agricultural operations. The County Department of Agriculture determines the appropriateness of agricultural buffer distances on a project-by-project basis, based on relevant site and project criteria, practical knowledge of agricultural practices, technical literature, and contact with other professionals. The sufficiency of buffer distances determined by the County Department of Agriculture is partially based on whether pesticides are applied at ground level or aurally. The County Department of Agriculture typically recommends a buffer distance of 200 to 500 feet. Row crops associated with the agricultural uses south and west of the site are assumed by the

County Department of Agriculture to involve occasional aerial applications of pesticides, which would require a buffer distance of at least 200 feet.

The proposed site plan includes a continuous buffer along the entire western site boundary that would contain a bioswale area. This buffer would vary in width from 180 to 230 feet from the edge of the site. With the adjacent right-of-way for the Bailey Avenue frontage road, the buffer would ensure that Project improvements in the western portion of the site would be located at least 200 feet from the adjacent agricultural uses west of the site. Based on County Department of Agriculture buffer standards, this buffer would be sufficient for adjacent ground and aerial applications of agricultural chemicals. However, the lack of a buffer along the southern site boundary, as currently proposed, would result in land use conflicts. Implementation of the required minimum 200-foot landscaped buffer between residential lots and adjacent agricultural lands south of the site would not be feasible with the current site plan. This is considered a significant and unavoidable impact.

The Project would include a Bailey Avenue frontage road for use by Project residents. The separation of project vehicle trips from the existing farm equipment and vehicles along the existing Bailey Avenue farm road would ensure less than significant impacts related to conflicts between farm vehicles and equipment, and Project-generated traffic.

Reference - FEIR pages 4.2-4 through 4.2-6.

6.2 Air Quality

6.2.1 Significant Direct Impact AQ-1. The Project would result in the emission of air pollutants at levels that would exceed the APCD's significance thresholds for NO_x and ROC. These impacts are considered to be Class I, *significant and unavoidable*.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Project-related vehicle emissions were calculated using the URBEMIS 2002 for Windows air quality model. Stationary emissions from the use of on-site gas and off-site electricity generation for on-site use were also quantified using URBEMIS 2002 for Windows.

Combined mobile and stationary emissions generated from the Project would not exceed the APCD threshold of 240 pounds per day for ROC and NO_x, or the 80 pounds per day threshold for PM₁₀. Operational emissions resulting from vehicular traffic from the Project are estimated at 23.49 pounds per day of ROG (which is functionally equivalent to ROC), and 34.50 pounds per day of NO_x. When compared to the APCD's thresholds of significance, the mobile emissions generated from the Project would exceed the long-term threshold of 25

pounds per day for NO_x; therefore, the Project is considered to have a significant impact (Class I).

Mitigation Measures - Based upon the analysis presented in Section 4.3 of the FEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Nevertheless, impacts would remain significant.

Mitigation Measure AQ-1(a): Energy Saving Services Information. The following energy-conserving techniques recommended by APCD shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Community Development Department staff:

- Installation of heat transfer modules in furnaces;
- Use of light colored water-based paint and roofing materials;
- Use of natural lighting;
- Installation of energy efficient lighting;
- Use of landscaping to shade buildings and parking lots;
- Installation of sidewalks and bikepaths where appropriate;
- Installation of covered bus stops, where appropriate, to encourage use of mass transportation;

Mitigation Measure AQ-1(b): Alternative Transportation Information. The developer shall provide, as part of the sale of each housing unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also include information on purchasing less polluting or alternatively fueled vehicles, which is available from SBCAPCD.

Reference - FEIR pages 4.3-5 through 4.3-7.

6.2.2 Significant Cumulative Impact AQ-5. The Project would result in more trips than the General Plan allows. With this Project, the General Plan will be amended to allow the proposed uses. The Project would not implement CAP transportation control measures. Therefore, the Project is considered to be potentially inconsistent with the 2001 Clean Air Plan (CAP). This is considered to be a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The 1999 Annual Emission Inventory contains data on NO_x, ROG, and CO in Santa Barbara County and is the most current and accurate inventory available (Clean Air Plan, 2001). This inventory was used in order to forecast future emission levels, which are described in the 1999 Planning Emission Inventory Forecast, and 2005 Planning Emission Inventory Forecast. These emissions forecasts are contained in the

2001 Clean Air Plan (CAP). Emissions forecasts take into account the change in the level of activity (growth or decline) of various pollution-producing actions and the reductions in future emissions based on current and proposed control measures. Emissions generated from the Project represent a small fraction of the forecasted emissions for 2005.

As described in *Methodology and Thresholds*, above, the Project would be considered consistent with the 2001 CAP if: (1) the population projections used in the Project are equal to or less than those used in the CAP; (2) the rate of increase in vehicle trips and mile traveled is less than or equal to the rate of population growth for the same area; and (3) all applicable land use and transportation control measures from the CAP have been included in the Project to the maximum extent feasible. The consistency of the Project with each of these thresholds is discussed in the paragraphs below.

Population Projection Consistency. The portion of the Southern Parcel of the project site proposed for development has a City of Lompoc General Plan land use designations of Low Density Residential with a School Overlay. Development of the proposed single-family residential units requires a General Plan Amendment to change the land use designations for this parcel to Low Density Residential without a School Overlay. The Project would result in development of the site with uses that would generate a slightly greater number of trips and associated vehicle emissions than currently projected in the General Plan. Therefore, the Project would be inconsistent with APCD emissions projections for the site.

Vehicle Trip Rate of Increase and Miles Traveled. The proposed development of 150 residential units would generate approximately 1,440 trips per day. This increase in trips would represent a substantial percentage of total trips on roadways in the project vicinity. However, the project site is located immediately adjacent to existing development in the City of Lompoc, and would not provide a land use that would be considered a destination for substantial vehicles. Therefore, the Project would not be expected to substantially increase trip lengths or vehicle miles traveled in the vicinity. The population growth rate of the project area would exceed the rate of increase in vehicle trips and miles traveled generated by the Project.

Implementation of Transportation Control Measures (TCMs). The following TCMs would apply to the Project: T-1 (Trip Reduction Program); and T-10 (Bicycling). The Project proposes several features that would implement T-10, including: a pedestrian/bicycle connection to the proposed North Avenue extension from a proposed cul-de-sac ("F" Court); provision of a Class II four-foot wide on-street bikeway on the northerly side of the North Avenue extension to Bailey Avenue; and provision of a Class II bikeway would also be provided on Bailey Avenue between North Avenue and Central Avenue. However, the Project proposes no features that would implement T-1.

Therefore, the Project is potentially inconsistent with the CAP, which would be considered a potentially significant impact.

Mitigation Measures - Based upon the analysis presented in Section 4.3 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP. Nevertheless, impacts would remain significant.

Mitigation Measure AQ-5(a): Distribution of Alternative Transportation Information. The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules

and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy.

Reference: FEIR pages 4.3-12 through 4.3-14; Comments and Responses page CR-4.

6.3 Noise

6.3.1 Significant Direct Impact N-3. Project-generated traffic would incrementally increase noise levels generated from area roadways. These noise level increases would not be audible along project area roadway segments that serve residential uses. However, Project-generated traffic would worsen existing severe noise levels along several roadway segments that serve residential uses in the project area. Therefore, the impact of Project-generated traffic noise on sensitive receptors in the project vicinity would be considered a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Project-generated traffic would produce inaudible noise level increases along several roadways in the project area that serve residential uses. Several of the study area roadway segments (i.e., Central Avenue segments between a point immediately northeast of the site and "H" Street, and the west side of "O" Street between Central Avenue and Barton Avenue) currently contain soundwalls that reduce sound levels along these segments by 6 to 9 dBA. When accounting for these soundwalls, the addition of Project-generated traffic to these roadway segments would not result in exceedances of exterior or interior residential noise standards at these off-site residential properties. One roadway segment in the study area that serves residential uses and does not have soundwalls (i.e., "O" Street between Central Avenue and Oak Avenue) would experience roadway noise levels in excess of City standards for residential uses under year 2004 baseline conditions. Project-generated traffic would produce inaudible noise level increases along this roadway segment, but would nevertheless worsen currently unacceptable noise levels at adjacent residential receptors along this segment. This would be considered a potentially significant impact.

Reference - FEIR pages 4.10-9 through 4.10-12.

6.3.2 Significant Cumulative Impact N-5. Under cumulative conditions, Project-generated traffic would not produce audible noise level increases along study area roadway segments. However, Project-generated traffic would worsen existing severe noise levels along several roadway segments that serve residential uses in the project area. Therefore, the cumulative impact of Project-generated traffic noise on sensitive receptors in the project vicinity would be considered a Class I, *significant and unavoidable*, impact.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - The highest motor vehicle noise levels from General Plan buildout plus the Project would ultimately be generated along Central Avenue, between “H” Street and a point west of “O” Street (66.8 CNEL at 100 feet from the roadway centerline). Traffic volumes on “V” Street (north of Central Avenue) would generate the lowest motor vehicle noise levels (42.8 CNEL).

Project-related traffic would represent a relatively small portion of the daily traffic volumes on the master planned roadways in the vicinity under General Plan buildout conditions. With the North Avenue extension, Project-related traffic would generate no audible noise increases (i.e., noise increases of more than 3 dB). Nevertheless, Project-generated traffic would produce noise that would worsen existing noise levels that currently exceed City standards for residential areas.

Several of the study area roadway segments (i.e., Central Avenue segments between “H” Street and “V” Street, and the west side of “O” Street between Central Avenue and Barton Avenue) currently contain soundwalls that reduce sound levels along these segments by 6 to 9 dBA. When accounting for these soundwalls, the addition of Project-generated traffic to these roadway segments would not result in exceedances of exterior or interior residential noise standards at these off-site residential properties. One roadway segment in the study area that serves residential uses and does not have soundwalls (i.e., “O” Street between Central Avenue and Oak Avenue) would experience roadway noise levels in excess of City standards for residential uses under cumulative baseline conditions. Project-generated traffic would worsen currently unacceptable noise levels at adjacent residential receptors along this segment. Although the increase in noise levels due to Project-generated traffic would be inaudible, the Project’s contribution to cumulative noise level increases would be considered potentially significant.

Reference - FEIR pages 4.10-12 and 4.10-13.

6.4 Land Use

6.4.1 Significant Cumulative Impact. As discussed previously, the Project would result in significant and unavoidable (Class I) impacts related to conversion of prime agricultural lands, conflicts with existing agricultural operations off-site, emissions of air contaminants, and air quality planning. As a result of these land use conflicts, the Project’s contribution to cumulative land use impacts is expected to be Class I, *significant and unavoidable*.

Finding - The City hereby finds that all feasible changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant

environmental effects on the environment. However, despite such measures, the impacts will still be significant. The City finds that there are no feasible mitigation measures which might avoid or reduce the significant environmental effects of the project because specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR. Nevertheless, these unavoidable significant effects are considered acceptable when balanced against the overriding benefits of the Project, as set forth in the Statement of Overriding Considerations. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)]

Facts in Support of Finding - Cumulative development throughout the greater City of Lompoc and Santa Barbara County area would gradually alter the area's rural character. The Project would incrementally contribute to this substantial change. Individual development projects in the region would have the potential to create compatibility conflicts relating to the interface of existing urban and rural uses and new urban development. While there would be cumulative development throughout the area, land use impacts are typically limited to direct incompatibility issues with adjacent development. For that reason, project-specific and cumulative land use impacts are considered to be similar.

Reference - FEIR pages 4.9-6 and 4.9-7.

7.0 FINDINGS REGARDING GROWTH INDUCEMENT IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

7.1 Growth Inducement Direct Impact GI-1.

Currently, land use and zoning controls would limit growth potential in the area. However, these are political barriers to growth that can be changed, as land use and zoning controls can be amended to be less restrictive. Similarly, the urban limit line can also be amended. If these actions occurred, the growth potential of the area would increase. Because the project site is currently not developed with residential uses, it would require the extension of urban infrastructure to serve proposed development. New infrastructure that would be required includes new roads serving the site and the addition of drainage facilities.

Finding - Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect on the environment to below a level of significance.

Facts in Support of Finding - *Road Extensions*. Access to the Southern Parcel would be from the proposed Bailey Avenue frontage road and from North Avenue. This roadway would not provide additional capacity beyond the design capacity of Bailey Avenue envisioned in the General Plan Circulation Element. Central Avenue would be widened to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. The proposed North Avenue extension to the Bailey Avenue frontage road would be installed with two travel lanes including a four-foot on-street bikeway, and standard curb and gutter with a six-foot wide

sidewalk connecting to an eight-foot wide bikeway along the buffer. Central Avenue would be widened to a 35-foot half-width consistent with the existing Central Avenue segment to the east of the project site. These roadway improvements would be consistent with the design capacity of the North Avenue extension and Central Avenue envisioned in the General Plan Circulation Element.

The proposed internal road system on the Southern Parcel consists of a looped system of local roads designed specifically to serve site development (see Figure 2-4 of Section 2.0, *Project Description*). None of the internal roads are designed to serve additional development on the project site. Therefore, although extensions of planned roads to other portions of the project site or off-site areas could occur, the current circulation system would not easily accommodate such extensions. The potential for the proposed internal road system to induce additional growth either on-site or off-site is limited.

Drainage Infrastructure. As described in Section 4.13, *Utilities*, the Project includes new drainage infrastructure to handle the increase in stormwater flow that would be created by on-site development. New facilities are anticipated to be sized to meet the needs of proposed development. However, if these are overbuilt, they could accommodate additional or more intensive development on-site or at off-site upstream locations at some point in the future, thereby removing an obstacle to future growth.

Mitigation Measure: Based upon the analysis presented in Section 5.0 of the FEIR, which is incorporated herein by reference, the following Mitigation Measure is feasible and is made binding through the MMRP.

Mitigation Measure GI-1(a): Infrastructure Capacity Limitations. Water and drainage infrastructure that serves the Project shall be sized to meet only the demands of future growth in accordance with the land uses designated in the General Plan.

Reference: FEIR pages 5-2 and 5-3.

8.0 FINDINGS REGARDING PROJECT ALTERNATIVES

Because the proposed Project will cause unavoidable significant environmental effects, the City must consider the feasibility of any environmentally superior alternative to the Project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the project objectives. The proposed Project would have potentially significant impacts in the following areas: Agricultural Resources (Direct and Cumulative); Air Quality (Direct and Cumulative); Land Use (Cumulative); and Noise (Direct and Cumulative).

In rejecting the alternatives, the City has examined the objectives of the Project and weighed the ability of the various alternatives to meet those objectives. The decisionmakers believe that the Project best meets these objectives with the least environmental impact. The specific objectives associated with the development of the Southern Parcel are as follows:

- To construct a residential development that includes up to 150 single-family residential units;
- To preserve up to 4.03 acres of wetland designated as open space; and

- To provide up to 6.12 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.

Alternative locations are generally examined when implementation of the Project at the proposed site would have significant unavoidable impacts and/or significant but mitigable impacts, and when such impacts could be reduced or eliminated by relocation of the development. Based on discussions between the applicant and City staff, an alternative project site is not evaluated in this EIR because the proposed project site is large enough to accommodate changes that might result from the implementation of any of the proposed project alternatives. In addition, there is no other comparable site available to the applicant where the proposed project objectives could be accomplished. Therefore, any discussion of alternative locations would not meet the “rule of reason” addressed in the CEQA Guidelines and was, therefore, not addressed in the FEIR.

The Project is superior to the Project as originally proposed and to the three Alternative Projects (“Alternative 1,” “Alternative 2,” etc.) that were evaluated in the EIR and that relate to the Southern Parcel, for the reasons discussed below. When compared to the Project, all three Alternative Projects are infeasible.

The following alternatives were addressed in the FEIR:

- Originally Proposed Project
- Alternative 1: No Project/No Development
- Alternative 2: Build-out Under Existing Zoning
- Alternative 3: Mitigated Project

Originally Proposed Project

Description: This option is similar to the Project, as modified, but differs in that it would not provide a separate Bailey Avenue frontage road distinct from the existing Bailey Avenue farm road.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: The originally-proposed Project is infeasible when compared to the Project, as modified, for the reasons set forth below. The Project has fewer impacts and a better design.

The Original Project does not include circulation design solutions that would address potential incompatibilities between farm vehicles/equipment using the existing Bailey Avenue farm road, and Project-generated traffic. Additionally, the lack of a separate Bailey Avenue frontage road with the Original Project would result in additional impacts related to conflicts between farm vehicles/equipment and emergency vehicles.

Reference: FEIR Section 4, et. seq.

Alternative 1: No Project/No Development

Description: This option assumes that the Project is not constructed, and that the site

remains in its current state of open space and agricultural use, with continued irrigated row crops. If the Project were not constructed, it is assumed that the areas of the project site proposed for development would be planted with row crops, although it would not preclude future development on the project site. This site is zoned and designated under the General Plan as Low Density Residential with a School Overlay, and Open Space on the Southern Parcel.

Consequently, development of the site in accordance with these designations could eventually be constructed, even if a no project scenario is implemented at this time.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: Under the No Project alternative, the project site would remain as is. This alternative would not provide any permanent open space/recreational benefits, or

housing supply benefits, and limited economic benefits. In addition, none of the project objectives would be met.

Reference: FEIR Section 6.1.

Alternative 2: Build-out Under Existing Zoning

Description: This option assumes that the Project is not constructed, and that development of the site under the existing zoning designation of Low Density Residential (7-R-1) on the Southern Parcel is implemented in accordance with all applicable City policies. This alternative assumes that the zoning designation of the Southern Parcel is not changed to a Planned Development designation, and that lots have a minimum size of 7,000 square feet. Under this alternative, it is assumed that the Southern Parcel would contain 114 residential units, which would be a 24% reduction in units when compared to the Project. As with the Project, this alternative would improve Bailey Avenue and Central Avenue, and would install the North Avenue extension to Bailey Avenue.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: The number of dwelling units in the Southern Parcel would be reduced, which would reduce impacts based on per capita generation (traffic, air quality, water consumption, wastewater generation, public service demand) when compared to the Project. However, this alternative would not meet the Project goals and objectives related to the provision of housing.

Reference: FEIR Section 6.2.

Alternative 3: Mitigated Project

Description: This alternative would have the same number of residential units as the Project, but would feature measures to mitigate significant impacts identified in Section 4.0 of this EIR. Under this alternative, the Southern Parcel would be developed at its current zoning designation of Low Density Residential (7-R-1), with a minimum lot size of 7,000 square feet.

Under this alternative, it is assumed that the Southern Parcel would contain 114 residential units, which would be a 24% reduction in units when compared to the Project. This alternative would feature a traditional grid lot layout and additional roadway circulation connections on the Southern Parcel. In addition, this alternative would incorporate increased buffers from sensitive resource areas, including off-site agricultural lands and on-site wetlands/riparian areas, from off-site odor sources, and from existing residential uses east of the site. As with the Project, this alternative would improve Bailey Avenue and Central Avenue, and would install the North Avenue extension to Bailey Avenue. This alternative is depicted in Figure 6-1.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. [Public Resources Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)].

Facts in Support of Finding: This alternative was designed specifically to minimize aesthetic, agricultural, biological, and land use impacts identified with the Project and outlined in Section 4.0 of this EIR. The number of dwelling units would be reduced on the Southern Parcel, so impacts based on per capita generation (traffic, air quality, water consumption, wastewater generation, public service demand) would be reduced when compared to the Project. This alternative would not meet the Project goals and objectives related to the provision of housing.

Reference: FEIR Section 6.3.

9.0 FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the Public Resources Code requires that when making findings required by Section 21081(a) of the Public Resources Code, the Lead Agency approving a project shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval, in order to ensure compliance with project implementation and to mitigate or avoid significant effects on the environment. The City hereby finds that:

- 1) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and the mitigation measures therein are made a condition of project approval. The MMRP is incorporated herein by reference and is considered part of the record or proceedings for the proposed project.
- 2) The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP coordinator. The applicant, DS Ventures, LLC, will be primarily responsible for ensuring that all Project mitigation measures are complied with. Mitigation measures are programmed to occur at, or prior to, the following milestones:
 - Prior to commencement of construction. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as including pertinent design details in the Project plans.
 - Prior to tract map approval. These measures apply to tract-wide measures that would be reviewed at the time of tract map review. These include tract-wide design

mitigation and access improvements.

- During project construction. These measures are those that need to occur as the proposed land uses are being constructed. They include monitoring the construction site for the proper implementation of dust and emission controls.
- Prior to completion of construction. These measures apply to Project components that would go into effect at completion of the Project construction phase, including items such as management or monitoring plans. In order for the plan to be available for use at completion of each Project component, it will need to be prepared and completed before construction of the component is finished.
- During operation of the project. These are active measures that will commence upon completion of the various construction phases and, in most cases, will continue through the life of the Project.
- Prior to occupancy or final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing City processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the Project.

- 3) The MMRP prepared for the Project has been adopted concurrently with these Findings. The MMRP meets the requirements of Section 21021.6 of the Public Resources Code. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

10.0 OTHER FINDINGS

The City hereby finds as follows:

- 1) The foregoing statements are true and correct;
- 2) The City is the "Lead Agency" for the Project evaluated in the FEIR and independently reviewed and analyzed in the Draft EIR and FEIR, as amended, for the Project;
- 3) The Notice of Preparation of the Draft EIR was circulated for public review. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;
- 4) The public review period for the Draft EIR was for 45 days between March 4, 2003 and April 17, 2003. The Draft EIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft EIR were sent to the State Clearinghouse, and notices of availability of the Draft EIR were published by the City. The Draft EIR was available for review at the City of Lompoc Planning Division, 100 Civic Center Plaza, Lompoc, California, 93438.
- 5) The Draft EIR and FEIR, as amended, were completed in compliance with CEQA;
- 6) The FEIR, as amended, reflects the City's independent judgment;
- 7) The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The FEIR provides adequate, good faith and reasoned responses to the comments. The City reviewed the comments received

and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding adverse environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR.

- 8) The City finds that the FEIR, as amended, provides objective information to assist the decisionmakers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period;
- 9) The FEIR evaluated the following direct and cumulative impacts: (1) agricultural resources; (2) air quality; (3) noise; (4) land use; (5) aesthetics; (6) public services; (7) transportation and circulation; (8) utilities; (9) biological resources; (10) cultural resources; (11) geology and soils; (12) hazards; (13) water quality; (14) and growth inducing impacts. Additionally, the FEIR considered, in separate sections, significant irreversible environmental changes and growth inducing impacts of the Project, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the Project were identified in the FEIR;
- 10) The MMRP includes all of the mitigation measures identified in the FEIR and has been designed to ensure compliance during implementation of the Project. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable;
- 11) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the MMRP Coordinator;
- 12) In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- 13) The impacts of the Project have been analyzed to the extent feasible at the time of certification of the FEIR;
- 14) The City made no decisions related to approval of the Project prior to the initial certification of the FEIR made by the Planning Commission. The City also did not commit to a definite course of action with respect to the Project prior to the initial certification of the FEIR by the Planning commission.
- 15) Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City of Lompoc Planning Division, the custodians of record for such documents or other materials;
- 16) The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;
- 17) Having reviewed the information contained in the Draft EIR, FEIR, and amendment to the FEIR, and in the administrative record, the City finds that there is no new significant information regarding adverse environmental impacts of the Project in the FEIR, and amendment to the FEIR, and finds that recirculation of the Draft EIR is not required; and
- 18) Having received, reviewed and considered all information and documents in the FEIR, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

11.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines provide the following:

- (a) CEQA requires the decision making agency to balance, as applicable, the economic, legal, social,

technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Balance of Competing Goals. The City hereby finds it is important to balance competing goals in approving the Project and the environmental documentation of the Project. Not every environmental impact can be avoided fully or mitigated because of the need to satisfy competing concerns to a certain extent.

The City hereby finds and determines that the Project and the supporting environmental documentation provide for a positive balance of the competing goals and that the social, environmental, land-use and other benefits to be obtained by the Project outweigh any remaining environmental impacts.

The City, pursuant to State CEQA Guidelines Section 15093, has balanced the benefits of the Project against the following unavoidable impacts for which no feasible mitigation measures exist to reduce the impact to below a level of significance:

- 1) Direct and cumulative impacts on agricultural lands (removal of prime soils, conflicts with adjacent agricultural properties);
- 2) Direct and cumulative air quality impacts (emissions of ozone precursors, exposure of Project residents to unacceptable odor levels, inconsistency with the Clean Air Plan);
- 3) Direct and cumulative noise impacts (worsening severe noise levels along project area roadway segments that serve residential uses); and
- 4) Cumulative land use impacts (alteration of rural character).

The City has adopted all feasible mitigation measures with respect to these impacts. The City also has examined a range of alternatives, none of which both meet most of the project objectives and is environmentally preferable to the Project.

Accordingly, the City adopts the following Statement of Overriding Considerations based on information in the FEIR No. 2002061109 and on other information in the record. The City, pursuant to the CEQA Guidelines, after balancing the specific economic, legal, social, technological, and other benefits of the Project against the unavoidable environmental effects which remain significant and after all feasible mitigation measures and alterations have been incorporated into the Project, and after the project alternatives that will lessen or avoid such significant impacts have been rejected as infeasible, determines that the unavoidable adverse environmental effects are acceptable due to the following specific considerations, each of which individually is sufficient to outweigh the

unavoidable, adverse environmental impacts of the Project:

Social and Economic Benefits. The Project would result in the following social and economic benefits:

- a. The construction of the Project will result in both short-term and long-term economic benefits to the City of Lompoc and its residents. The Project will increase contribution to City property taxes. The Project will indirectly provide for a number of jobs relating to construction of and maintaining the proposed residential uses and related improvements.
- b. The Project will provide high quality new housing that will complement the housing stock already in the area.
- c. There is a County-wide housing shortage which affects the City of Lompoc and a community need for additional market rate housing as well as for affordable housing, and the City is responsible under State law to plan for such additional housing in order to promote construction of housing. The City is actively seeking compliance with its identified fair share of total housing units and affordable housing in the region. The Project will contribute toward achieving that goal by providing 150 single-family residential units on the site. Fifteen affordable single-family housing units will be dispersed throughout the Southern Parcel of the development, with an affordability covenant for a period of 30 years. Construction of the Project will demonstrate the City's performance of its duty to plan and provide for development of new housing within its boundaries.
- d. The Project will provide a transition between existing residential land uses within the City Limits and existing agricultural uses on adjacent Santa Barbara County lands. The Project will provide 6.12 acres as a continuous agricultural buffer between active agricultural lands and the proposed residential use.
- e. The Project will result in greater transportation mobility and congestion relief as a result of proposed roadway improvements, including the widening of Central Avenue and the extension of North Avenue.

Environmental Benefits. The Project would result in the following environmental benefits:

- a. The Project will reduce existing on-site hazards related to arsenic in soils from historic agricultural production. On-site arsenic-impacted soil will be excavated, re-located, and backfilled in accordance with a Corrective Action Plan (CAP).
- b. The elimination of existing on-site agricultural production on the site will eliminate existing agricultural impacts related to dust generation and pesticide applications, and would result in an overall reduction in water use at the site.
- c. The Project will preserve 4.03 acres of wetland designated as open space. The applicant will contribute funds, in an amount to be determined by the City, as a fair share proportion of the Bailey Wetland Area Management Plan and maintenance costs. If the No Project Alternative were adopted, the agricultural use of the site would likely continue for economic reasons. Such ongoing

agricultural practices could be damaging to on-site riparian and wetland habitat and associated plant and animal species (e.g., runoff of agricultural chemicals, loss of native plant species to increased cultivation and invasive species, etc.). Unlike agricultural uses (which could not be easily regulated by the City), the Conditions of Approval provide for extensive regulation during construction as well as mechanisms for long term protection of sensitive biological resources.