

# **ENVIRONMENTAL REVIEW GUIDELINES**



City of Lompoc

Community Development Department  
Planning Division

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## TABLE OF CONTENTS

	Page
Introduction .....	1
Purposes of CEQA.....	1
Delegation of Responsibilities .....	4
Charges for Environmental Review.....	7
Consultant Selection and Management .....	8
Time Limitations .....	9
Public Participation and Notice.....	11
Response to Comments.....	11
Exemptions .....	11
Annual Maintenance Plan .....	12
Mitigation Monitoring Plan .....	12
Appeals .....	12

## **INTRODUCTION**

The City of Lompoc's Environmental Review Guidelines provide an overview of its lead agency responsibilities and procedures, under the California Environmental Quality Act (CEQA). The City has incorporated by reference the State "Guidelines for Implementation of the California Environmental Quality Act" as adopted and filed by the California Resources Agency on February 3, 1973, and all its amendments. Objectives, criteria and specific procedures for administering lead agency responsibilities under CEQA are contained within this document, including the orderly evaluation of projects and preparation of environmental documents, as mandated by CEQA Guidelines Section 15022.

## **THE PURPOSES OF CEQA**

The basic purposes of CEQA are to:

- (1) Inform governmental decision-makers and the public of potential, significant environmental effects of proposed projects.
- (2) Identify the ways significant environmental effects can be avoided or significantly reduced through mitigation.
- (3) Prevent significant, avoidable impacts to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures.
- (4) Disclose to the public the reasons why an agency approved a project, if potentially significant environmental effects are identified.

## **CEQA APPLICATION TO PROJECTS**

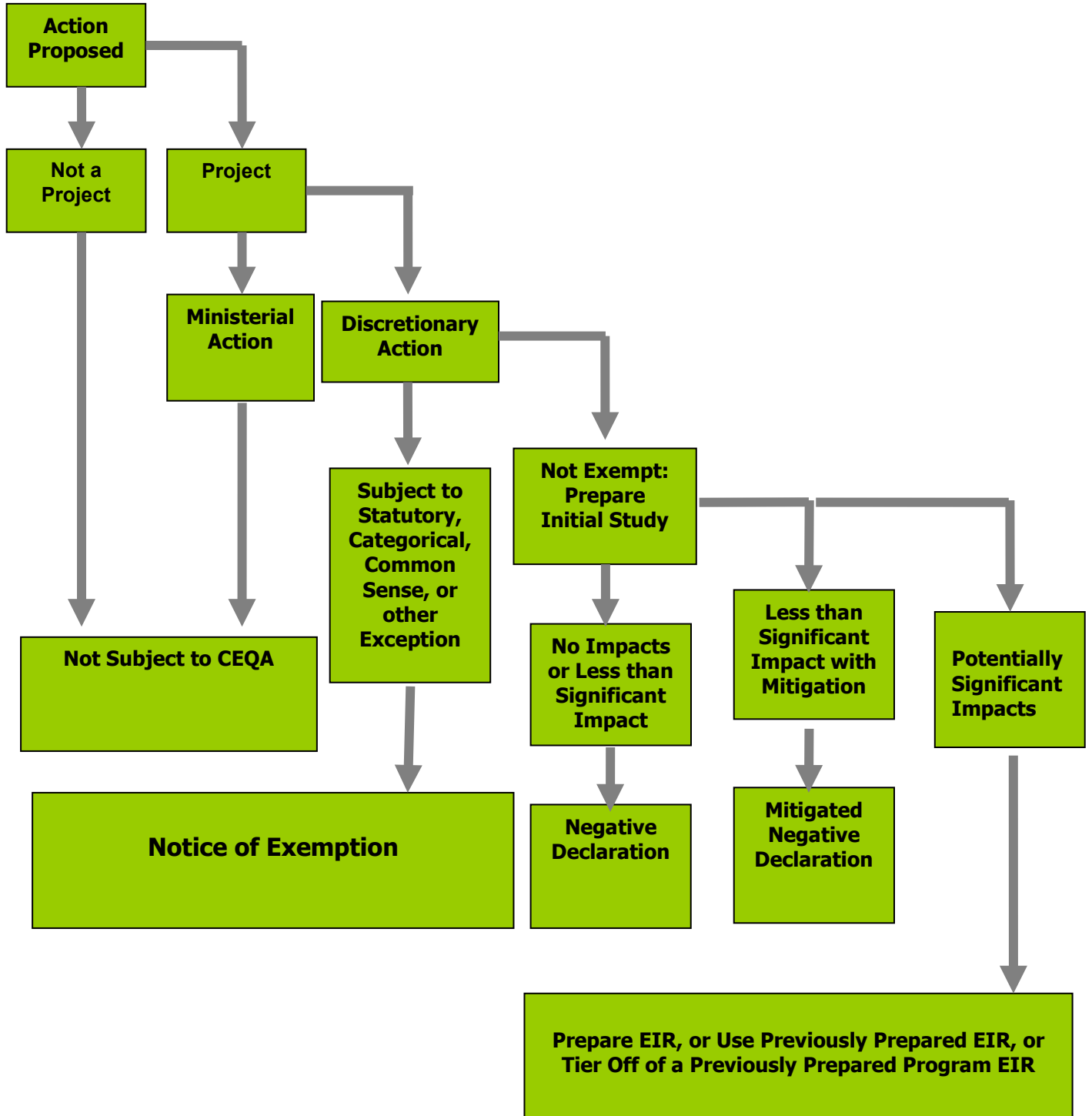
The requirements set forth in this document apply to all projects which may result in a direct, or a reasonably foreseeable indirect, change to the physical environment, and which involve discretionary governmental action by the City unless the project is subject to an exemption. This includes projects proposed by various City Departments and private project applicants.

Pursuant to Public Resources Code Section 21080(b), the provisions of CEQA do not apply to:

- Ministerial projects
- Emergency repairs to public service facilities to restore or maintain service
- Repair of disaster damage in an area where a state of emergency has been proclaimed by the governor
- Actions needed to prevent or mitigate an emergency
- Projects which are not approved

The City staff evaluates each potential project as shown on the following chart:

**Lead Agency CEQA Decision TREE**



An Action (project) is proposed by a private applicant, a public agency, or a City department. Planning staff review the application materials that are submitted to determine if the action is a “project” under CEQA. The whole of the Action proposed must be considered when evaluating a proposed activity.

To be considered a “Project” subject to CEQA, the Action must:

- Require a public agency to carry out, support or approve it. (Public Resources Code Section 21065.)
- Result in a direct, or a reasonably foreseeable indirect, change to the physical environment. (Public Resources Code Section 21065.)
- Require a discretionary action. (Public Resources Code Section 21080(b)(1).)

Following the determination that an action is a Project, staff evaluates the Project to determine if it is exempt from CEQA review. Exempt Projects include Projects subject to statutory exemptions, categorical exemptions, and exemptions under the “general rule” (common sense exemption).

Private Project applicants are required to submit a completed City Environmental Information Form. If the Project is not exempt and the environmental impacts of the Project have not already been previously assessed, City Planning staff will prepare an Initial Study and determine the appropriate level of environmental review required, as follows:

- If no potentially significant environmental impacts are identified, a Negative Declaration (ND) will be prepared;
- If potentially significant environmental impacts are identified which can be mitigated to a level of insignificance, a Mitigated Negative Declaration (MND) and a Mitigation Monitoring Report will be prepared, with Mitigation Measures imposed on the Project; or

- If there are potentially significant environmental impacts identified that cannot be avoided or mitigated to a level of non-significance, an Environmental Impact Report (EIR) will be prepared.

## **DELEGATION OF RESPONSIBILITIES**

The Planning Division staff\*, in conjunction with legal staff, is assigned the administration of the following functions, including, but are not limited to:

1. Determination of a complete Project application;
2. Determination as to whether an application requires ministerial or discretionary review;
3. Determination as to whether a City-initiated Project requires a Design Review or Master Plan application;
4. Determination whether a Project is exempt, or requires a Negative Declaration, Mitigated Negative Declaration, or an EIR;
5. Preparation of a Negative Declaration, Mitigated Negative Declaration, or EIR;
6. Assistance with preparation of responses to public and agency comments on environmental documents;
6. Preparation of staff reports to decision-making bodies regarding adoption or certification of environmental documents;
7. Preparation and filing of required notices (of preparation, completion, determination, exemption); and

8. Entering into contractual agreements with environmental consultants for preparation of Draft Negative Declarations, Mitigated Negative Declarations, EIRs, and special studies.

\*The Public Works Department may also be assigned these functions only for Public Works projects, and shall work in conjunction with Planning Division staff which are ordinarily delegated the administration of these functions.

The City Council and/or Planning Commission of the City of Lompoc:

1. Hear testimony during public hearings regarding the adequacy of the environmental analysis;
2. Review final environmental documents for completeness; and
3. Approve the Project and approve or certify the environmental document.

When the Planning Commission acts as an advisory body to the City Council, they shall review and consider the environmental documentation before making a recommendation on a given project to the City Council.

For all projects requiring City entitlement, and for which an ND, MND, or EIR is determined to be necessary, the Planning Division staff or their designee may prepare a Request for Proposal for the use of private consulting services.

Preparation of Environmental Documentation shall be by Planning Division staff, qualified consultants under contract with the City, or a combination of the two, managed by Planning Division staff. Any documentation submitted by the applicant shall be properly peer reviewed by independent qualified reviewers chosen by Planning Division staff.



## **CHARGES FOR ENVIRONMENTAL REVIEW**

Section 15045 of CEQA Guidelines enables the City of Lompoc to charge and collect a reasonable fee from the project applicant, to recover the incurred cost of preparation of environmental documents.

To defray the cost of the preparation, processing, and revision of environmental review documents, the Planning Division shall charge and collect a deposit from the project applicant of the estimated costs prior to preparation of the document. As deposited monies are expended, the applicant will be requested to submit additional funds to keep the deposit fully funded. Upon completion of environmental review any surplus in the amount of deposit over preparation, processing, and revision costs shall be ordered refunded by the Planning Division to the applicant. If any deficiency between the deposit and total costs exist, the remaining costs shall be paid by the applicant to the City of Lompoc. The fees to be charged by the Planning Division for the processing of environmental matters shall be as established by Council resolution.

Costs related to the preparation of environmental documentation for City-initiated projects will be paid by the department(s) or division(s) requesting the work or project. Costs will cover preparation, processing, and revisions to the environmental documentation, response to comments, as well as staff time in project oversight, review, circulation, posting and noticing, and presentation of the project to the decision-making body. If mitigation monitoring is required, additional costs will be charged for monitoring activities. Prior to beginning work on a City-initiated project, the Planning Division will require a City account number be provided.

## **CONSULTANT SELECTION AND MANAGEMENT**

Environmental documents shall be prepared directly by the City or by a qualified consultant under contract managed by the Planning Division.

The City may require the project applicant to supply data and information to determine whether the project may have a significant effect on the environment and to assist the City/consultant in preparing the draft environmental document. Prior to completion of the draft environmental document, the applicant shall be provided the project description for review, and once the applicant determines the description to be complete, he/she shall sign that the description is accurate and complete. Prior to accepting a draft environmental document prepared by a consultant for the City, the City shall subject the draft to the City's own review and analysis. Environmental documents prepared must reflect the independent judgment of the City Planning Division. The City is responsible for the adequacy and objectivity of environmental documents.

A Planning Division staff member is assigned to act as project manager to administer environmental review contracts. The project manager acts as the primary point of staff contact with the consultant. All communication with the applicant is by the project Manager, or his/her designee, and not by the consultant. Contracts include a list of deliverable products at key stages of the environmental review process, such as acceptable project description, acceptable draft initial study, acceptable draft MND, acceptable draft EIR, Final EIR/MND, etc. Payments are made when a satisfactory deliverable is received, and not on a monthly basis. The project manager determines when a deliverable is satisfactory and initiates contract payments. Payments are made from a City account in which monies from the project applicant have been deposited. The project applicant shall not have direct contact with the consultant at any time during the environmental review process, to ensure objective analysis.

## TIME LIMITATIONS

Public agencies are required to adopt time limits consistent with the CEQA Guidelines Section 15100, to govern the implementation of CEQA. The following time limits apply to CEQA review.

Action	Timeline	Notes
<b>Determination of Application Completeness</b>	30 days from submittal of a discretionary application, except as provided in CEQA Guidelines Section 15111.	If no written determination of completeness is made within 30 days, the application will be deemed complete on the 30 <sup>th</sup> day.
<b>Determination of type of environmental document to be prepared.</b>	30 days from accepted complete or deemed complete application, except as provided in CEQA Guidelines Section 15111.	The 30 day timeline may be extended by 15 days with the consent of the lead agency and the applicant.
<b>Response to Notice of Preparation</b>	30 days from Notice of Preparation	This applies to the City when acting as a Responsible Agency.
<b>Meeting to discuss Scope and Content of EIR</b>	30 days from receipt of request	Can be requested by Responsible or Trustee agencies, OPR, or the project applicant.

<b>Action</b>	<b>Timeline</b>	<b>Notes</b>
<b>Public Review Period – Draft EIR</b>	30-60 days	Not less than 45 days if draft EIR is submitted to State Clearinghouse, unless State Clearinghouse approves a shorter period.
<b>Public Review Period – ND/ MND</b>	20-30 days	Not less than 30 days if submitted to State Clearinghouse, unless State Clearinghouse approves a shorter period.
<b>Completion and adoption of ND or MND</b>	180 days from acceptance of application as complete	90 day extension permitted with written consent of lead agency and applicant, or as provided in CEQA Guidelines Section 15110.
<b>Completion and certification of an EIR</b>	1 year from acceptance of application as complete	90 day extension permitted with written consent of lead agency and applicant, or as provided in CEQA Guidelines Section 15110.
<b>Appeal of Planning Commission Decision</b>	10 days after the date of the decision.	A City Council decision is final and not appealable.

Time records relating to the preparation, processing and revision of environmental documents shall be kept in each project file by Planning Division staff, and any consultant employed as a project manager.

Upon receipt of request by the applicant, the City shall furnish a detailed billing of the costs attributable to the document preparation, processing and revision.

## **PUBLIC PARTICIPATION AND NOTICE**

Public participation shall be encouraged throughout the environmental review process, to receive and evaluate the public's environmental concerns regarding the project.

A 10-day notice shall be given in a paper of general circulation in the community, and when determined to be appropriate by the Planning Manager to all persons within 300 feet of the project site and on the project site.

Public notice shall be given to all Responsible and Trustee Agencies, as well as to organizations and individuals who have previously requested notice.

Public hearings may be conducted on environmental documents, either in separate proceedings or in conjunction with other proceedings of the City.

## **RESPONSE TO COMMENTS**

The City Planning Division or its consultant may prepare a written response to comments on a Negative Declaration or Mitigated Negative Declaration. Written responses to comments shall be prepared on all environmental issues associated with a proposed project, received during the public review period, that have been raised by the public or other agencies on the contents of a Draft EIRs.

## **EXEMPTIONS**

The City will consider the classes of projects found in Sections 15193, 15194, 15195, and Articles 18 and 19 of the CEQA Guidelines, and the Office of Planning and Research's Technical Advisory, and CEQA exemptions outside of the CEQA statute, to evaluate whether proposed projects are exempt from CEQA analysis.

## **ANNUAL MAINTENANCE PLAN**

The City prepares an Annual Maintenance and Operations Plan (AMP) identifying projects and activities which qualify for CEQA exemptions. The AMP provides notice to the public of these regular City activities and streamlines their CEQA compliance in a single document, reducing time and cost in CEQA compliance for these activities.

## **MITIGATION MONITORING PLAN**

Mitigation measures approved by the decision-making body in either a Mitigated Negative Declaration or an EIR shall be included in a Mitigation Monitoring and Reporting Plan, which shall guide their implementation. (CEQA Guidelines Section 15097.)

The Mitigation Monitoring and Reporting Plan (MMRP) shall be reviewed and approved by the decision-making body at the time the final environmental document is adopted or certified. MMRPs shall identify each mitigation measure, when it will be implemented, and who is responsible for its proper implementation.

## **APPEALS**

The Planning Commission or City Council shall announce its decision in regard to an environmental document by minute action or resolution. A resolution which certifies an EIR and makes a finding that a proposed project either does, or does not, have a substantial adverse effect on the environment, shall be effective upon its adoption, but to may be appealed to the City Council. In the event of a decision made by the City Council, the decision shall be final.

Within ten (10) calendar days after the day of the rendition of a decision by the Planning Commission, an appeal to the City Council may be made by the applicant, or any person or group aggrieved, or by any Officer, Department, Board or Commission of the City affected by the decision. An appeal may be commenced only by filing with the City Clerk an original and two copies of the Notice of Appeal, which specifies the grounds of appeal, and the action which the appellant requests the City Council to take, along with a filing fee established by Council resolution. Said appeal shall be scheduled for the next available City Council meeting. A decision of the Council on any appeal shall be final on adoption of an order or resolution containing its determination.