

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 2/5/2013	(3) CONTACT/PHONE Bill Robeson, Supervising Planner/781-5607	
(4) SUBJECT Request to approve an agreement with the City of San Luis Obispo to specify lead and responsible agency for the purpose of certifying the Chevron Tank Farm Remediation and Development Project Environmental Impact Report. District 3.			
(5) RECOMMENDED ACTION Approve and direct the Chairperson to sign the attached agreement to allow the City of San Luis Obispo to act as Lead Agency and the County to act as a Responsible Agency for the purpose of certifying the Chevron Tank Farm Remediation and Development Project EIR.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> Agreement <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP  Attached	(15) BUSINESS IMPACT STATEMENT?  No	(16) AGENDA ITEM HISTORY  <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW  Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 3			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Bill Robeson, Supervising Planner

DATE: 2/5/2013

SUBJECT: Request to approve an agreement with the City of San Luis Obispo to specify lead and responsible agency for the purpose of certifying the Chevron Tank Farm Remediation and Development Project Environmental Impact Report. District 3.

## **RECOMMENDATION**

Approve and direct the Chairperson to sign the attached agreement to allow the City of San Luis Obispo to act as Lead Agency and the County to act as Responsible Agency for the purpose of certifying the Chevron Tank Farm Remediation and Development Project Environmental Impact Report (EIR).

## **DISCUSSION**

### **Background:**

The City and the County of San Luis Obispo are working together to oversee the preparation of the Environmental Impact Report (EIR) for the Chevron Tank Farm Remediation and development project. The project consists of two principal components: 1) remediation/restoration of the tank farm site and 2) development. Chevron is proposing two separate development options or scenarios, both of which are being processed simultaneously: one under the County's jurisdiction and one under the City's jurisdiction. Under either scenario, Chevron will likely seek approval from the County to conduct site remediation and grading.

The City and County have been acting as California Environmental Quality Act (CEQA) "co-lead agencies" in preparation of the EIR. However, CEQA (section 15050) contemplates that when a project is to be approved by more than one public agency, one of the agencies will act as Lead Agency<sup>1</sup> while the other agency will act as Responsible Agency<sup>2</sup> (Attachment 2). In recent discussions with City staff, it was determined that the City should act as Lead agency since the City will likely be acting on the project first, and will be considering a wider range of entitlements such as the annexation, tract map, specific plan amendments, the development project and open space dedications. The County would then only be considering the remediation project. However, if the entitlements are not successful in the City, Chevron will then have the opportunity to pursue similar entitlements in the County, using the same EIR.

Although an agreement between the City and County is not mandatory in accordance with CEQA, it helps to clarify each agency's roles and responsibilities. Without an agreement, the agency that acts first on the project would be the agency that assumes the Lead Agency role. The agreement includes a clause to allow the County to act as Lead Agency to certify the EIR for the purposes of the remediation project should the City choose not to certify the EIR.

### **City and County review of the Agreement:**

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<sup>1</sup> CEQA 15367 "Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project"

<sup>2</sup> CEQA 15381 "Responsible Agency means a public agency which proposes to carry out or approve a project, for which a Lead agency is preparing or has prepared an EIR"

The City of San Luis Obispo considered and approved the agreement (Attachment 1) on December 18, 2012. Approval by the County Board of Supervisors is also required. The original agreement signed by the City is on file with the Clerk. Attached is an unsigned copy of the agreement.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

The City Attorney, City staff, County staff and County Counsel of San Luis Obispo have worked together to prepare the proposed agreement. County Counsel has reviewed and approved the agreement as to legal form and content.

### **FINANCIAL CONSIDERATIONS**

There is no fiscal impact as a result of the agreement to allow the County to assume Responsible Agency role.

### **RESULTS**

Approval of the Agreement will formalize the intent of the County of San Luis Obispo and City of San Luis Obispo to proceed with a cooperative and coordinated approach to prepare Chevron Tank Farm EIR, while clarifying each agency's roles and responsibilities. It is appropriate for the City of San Luis Obispo to assume the "Lead Agency" because, in the most probable scenario, the City will be considering a wider range of entitlements such as annexation, tract map and development projects, while the County will only be considering the remediation project.

The Board may choose not to endorse an agreement at this time or may request that the County act as Lead agency. If no agreement is endorsed, the EIR may continue to proceed as planned, and the first agency to certify the EIR at a public hearing would automatically become the Lead Agency.

### **ATTACHMENTS**

- Attachment 1 - Agreement between the City of San Luis Obispo and the County of San Luis Obispo to specify Lead and Responsible agency for the purpose of certifying the Chevron Remediation and Development EIR (Copy – Original on file with the Clerk)
- Attachment 2 - California Environmental Quality Act (CEQA) (section 15050)
- Attachment 3 - Site plan of the Chevron Remediation and Development project
- Attachment 4 - Vicinity Map