

ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 21159.25 [Residential or Mixed-Use Housing Projects]. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

As discussed in Section 4.1 of the staff report dated February 19, 2025, and incorporated herein by reference, the proposed housing development project is eligible for processing pursuant to the Housing Accountability Act (HAA). Under the HAA, an eligible housing development project that is consistent with objective general plan and zoning standards and criteria cannot be disapproved or conditioned to lower density unless the decision-maker finds, supported by a preponderance of the evidence in the record, that the project: 1) would have a specific, adverse impact upon the public health or safety; and 2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Under the HAA, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete; and “objective” means involving no personal or subjective judgement by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. Additionally, projects subject to the HAA must comply with the California Coastal Act of 1976, and the Article II Coastal Zoning Ordinance Findings are part of the County’s approved Local Coastal Plan, adopted under the Coastal Act.

The following findings are made subject to the requirements of the HAA, and SDBL.

ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

2.1 DEVELOPMENT PLAN FINDINGS

2.1.1 Findings required for all Preliminary or Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The Board of Supervisors finds that this finding is subjective and therefore cannot be used as a means to deny the project pursuant to the HAA. The Board of Supervisors finds that, as an HAA project that is consistent with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. Through State Density Bonus Law (SDBL) requests, and as detailed in Sections 6.2 and 6.3 of the Planning Commission staff report dated February 19, 2025, incorporated herein by reference, the project complies with objective general plan and zoning standards related to density, physical characteristics, and location.

The project site comprises a 0.65-acre gross parcel that is developed with a residential structure. The project proposes market-rate apartments and affordable apartments. The site is relatively flat and is located in an urban infill area and has the capacity to serve the proposed development. The siting of the structures provides access that complies with the County Public Works Department and the County Fire Protection District standards regarding ingress and egress to the site. The site is accessed from a driveway off Sueno Road. Access to the project site will remain relatively unchanged. Public Works Transportation reviewed the project including sidewalk, and roadway improvements, and approved a Design Exemption for the driveway placement under an Encroachment Permit (Permit No. 24-054-EN-0002) finding no hazards resulting from the design. The project site is designed to comply with the County Flood Control District Standard Conditions and is conditioned to comply with District requirements for drainage and runoff containment.

2. That adverse impacts are mitigated to the maximum extent feasible.

The Board of Supervisors finds that this finding is subjective and therefore cannot be used as a means to deny the project pursuant to the HAA. The Board of Supervisors finds that, as an HAA project that is consistent with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, adverse impacts will be mitigated to the maximum extent feasible. As discussed in Attachment C of the staff report dated February 19, 2025, incorporated herein by reference, the project is exempt from environmental review pursuant to Public Resources Code Section 21159.25, which exempts residential or mixed-use housing projects in urbanized areas. There are no environmentally sensitive habitat areas on the project site. The project will not have

significant impacts related to transportation, noise, air quality, greenhouse gas emissions, or water quality.

A Vehicle Miles Traveled (VMT) calculation was conducted for the project and determined that the proposed project will result in an estimated average of 92 daily trips, fewer than 110 average daily trips, the County threshold. Assembly Bill 2097 amends Government Code §66005.1 to prohibit public agencies from imposing minimum automobile parking requirements on residential, commercial, or other development projects located within one-half mile of a major transit stop. The subject property is located approximately 0.33 miles from the MTD El Colegio and Camino Corto transit stop, which meets the definition of a major transit stop. In accordance with this state law, no minimum parking requirements are imposed upon this project. While not required, the proposed project voluntarily includes 24 parking spaces which meets the parking ratio required under State density Bonus Law (SDBL). Additionally, the Project provides 48 secure bicycle lockers and 52 bicycle racks to support alternative transportation options and reduce reliance on private vehicles.

The project will generate short-term construction related noise, and therefore is conditioned to limit construction hours to Monday through Friday, 8:00 a.m. to 5:00 p.m. No construction shall occur on weekends or State holidays. Long term noise levels will be that of a residential use in an urban neighborhood. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NOx and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project is conditioned (Attachment B-1, Condition No. 30) to comply with measures recommended by the APCD, in their letter dated June 2024, to reduce construction-related emissions of ozone precursors to the extent feasible. Additionally, the project will construct 3 buildings with a combined 15,213 net SF and 16 multi-family units, which falls below the County adopted Screening Criteria of 55,000 square feet for multi-family housing and therefore will not generate greenhouse gas emissions, either directly or indirectly, that will have a significant effect on the environment. Finally, the project incorporates a Tier 2 Stormwater Control plan which incorporates permeable pavement and an underground storage system to detain runoff to meet Public Works Flood Control and Project Clean Water requirements.

3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board of Supervisors finds that this finding is subjective and therefore cannot be used as a means to deny the project pursuant to the HAA. The Board of

Supervisors finds that, as an HAA project that is consistent with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, streets and highways will be adequately and properly designed to handle the type and quantity of traffic generated by the proposed use. As detailed in Section 6.2 of the Planning Commission staff report dated February 19, 2025, incorporated herein by reference, the existing roads meet the applicable objective standards for providing access to the proposed project. The project site will be accessed off of Sueno Road. The project was reviewed by Public Works Transportation, who has confirmed adherence to their code.

The County presumes that land use projects meeting any of the screening criteria, absent substantial evidence to the contrary, will have less than significant VMT impacts and will not require further analysis. A single-component project (e.g., residence, office, or store) only needs to meet one of the screening criteria. Using the County's VMT Tool, it was determined that the proposed project, which involves construction of 16 new apartments, will result in fewer than 110 average daily trips. The VMT Tool estimated an average of 92 daily trips. The project meets the screening criteria for small projects, and therefore, is presumed to have an insignificant impact related to VMT.

- 4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The Board of Supervisors finds that this finding is subjective and therefore cannot be used as a means to deny the project pursuant to the HAA. The Board of Supervisors finds that adequate public services are available to serve the proposed development. The site is served by the Goleta Water District and Goleta West Sanitary District. The Goleta Water District provided a Preliminary Water Service Determination letter on April 29, 2024, and Goleta West Sanitary District provided a Sewer Availability letter on February 12, 2025. Additionally, Santa Barbara County Fire Department reviewed the project and provided a memo stamped on March 14, 2024. A VMT calculation was conducted and Sueno Road is able to accommodate the projected increase in traffic. The parcel will continue to be served by the Santa Barbara Police Department.

- 5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The Board of Supervisors finds that this finding is subjective and therefore cannot be used as a means to deny the project pursuant to the HAA. The Board of Supervisors finds, as an HAA project that is consistent with all applicable

requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, the proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated February 19, 2025, incorporated herein by reference, with the inclusion of the SDBL requests, the project is consistent with all objective general plan and zoning standards, and complies with objective standards related to aesthetics, noise, drainage, and public services. The project site has historically been developed with residential development. The proposed multi-family residential development continues the residential use of the property, and surrounding development is all zoned for medium density housing and is developed with single-family residential and multi-family residential development. The project is requesting a waiver under SDBL to exceed the height limit of 25 feet, increase the allowed bedroom density, and reduce setback requirements. Pursuant to Government Code Sections 65915(d)(1) and 65915(k), a developer can reduce or modify development standards, as defined in the statute, when those requirements will have the effect of potentially making the project economically infeasible for the developer by precluding the construction of a development at the allowed density. The County Planning Commission finds that without the requested concessions, the development at the allowed density would be precluded and therefore, the concessions are granted. Additionally, landscaping is proposed along the edges of the project area to screen the development from public view and blend with the surrounding area.

6. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.

The Board of Supervisors finds that, as an HAA and SDBL project, the project is consistent with all applicable objective requirements of the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, and Article II. Furthermore, through compliance with applicable development standards and criteria, the project will not result in any specific adverse impact on public health or safety.

As discussed in Section 6.3 of the staff report dated February 19, 2025, incorporated herein by reference, with the approval of the SDBL requests for three concessions/incentives to applicable Article II development standards for bedroom density, height, and setbacks, the project complies with all applicable objective standards. Pursuant to Government Code Sections 65915(d)(1) and 65915(k), a developer can reduce or modify development standards, as defined in the statute, when those regulations potentially make the project economically infeasible for the

developer to build. The County Planning Commission finds that without the requested concessions, the development at the allowed density would be precluded and therefore, the concessions are granted. The project is consistent with objective zoning standards regarding purpose and intent, permitted uses, building separation, driveways, bicycle parking, landscaping, and sidewalks.

As detailed in Section 6.2 of the staff report dated February 19, 2025, incorporated herein by reference, the proposed project, as conditioned, is consistent with the applicable objective policies and development standards of the Comprehensive Plan. In addition, the project is consistent with objective policies regarding affordability requirements of Coastal Land Use Plan Policy 5-10, adequate services, noise, and protection of visual resources, cultural resources, and water resources.

7. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the proposed project is not located in the rural area as designated on the comprehensive plan map. This finding is not applicable to the project.

8. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

The Board of Supervisors finds that the proposed project will not conflict with any easements required for public access through, or public use of a portion of the subject property because no such easements exist on the subject property.

2.1.2 Additional finding required for Final Development Plans. In compliance with Section 35-174.7.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Final Development Plan that follows an approved Preliminary Development Plan the decision-maker shall first find that the Final Development Plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan.

The Board of Supervisors finds that the Development Plan may be considered as both a Preliminary and Final Development Plan because there is no previously approved Preliminary Development Plan.

2.2 COASTAL DEVELOPMENT PERMIT FINDINGS

Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The Board of Supervisors further finds that, as an HAA-eligible project, as discussed in Section 6.2 of the Staff Report, dated February 19, 2025, and incorporated herein by reference, adequate services are available to service the proposed development. The site is served by the Goleta Water District and Goleta West Sanitary District. The Goleta Water District provided a Preliminary Water Service Determination letter on April 29, 2024, and Goleta West Sanitary District provided a Sewer Availability letter on February 12, 2025. Additionally, Santa Barbara County Fire Department reviewed the project and provided a memo stamped on March 14, 2024. A VMT calculation was conducted and Sueno Road is able to accommodate the projected increase in traffic. The Transportation Division reviewed the project and approved a design exception to allow exceptions to design standards related to driveway locations, widths, and number of access points. Design exceptions are reviewed thoroughly and only approved if it is determined that the proposed exceptions will not increase roadway hazards. The parcel will continue to be served by the Santa Barbara Police Department.

2.2.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the decision-maker shall first make all of the following findings:

1. The proposed development conforms:

- a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed under with Section 35-161 (Nonconforming Use of Land, Buildings, and Structures).**

The Board of Supervisors finds that the proposed development, as conditioned and modified through SDBL, will comply with all applicable requirements of Article II and the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan. Furthermore, through compliance with applicable objective

development standards and criteria, the project will not result in any specific adverse impact on public health or safety.

As discussed in Section 6.3 of the staff report dated February 19, 2025, incorporated herein by reference, with the approval of the SDBL requests for a 45% density bonus of 5 additional units, a reduced parking ratio, and three concessions/incentives to applicable Article II development standards for bedroom density, height, and setbacks, the project complies with all applicable objective standards. Pursuant to Government Code Sections 65915(d)(1) and 65915(k), a developer can reduce or modify development standards, as defined in the statute, when those requirements potentially make the project economically infeasible for the developer to build. The County Planning Commission finds that without the requested concessions, the development at the allowed density would be precluded and therefore, the concessions are granted.

As detailed in Section 6.2 of the staff report dated February 19, 2025, incorporated herein by reference, the proposed project, as conditioned, is consistent with the applicable objective policies and development standards of the Comprehensive Plan. The project is consistent with objective policies regarding adequate services, noise, and protection of visual resources, cultural resources, and water resources.

2. The proposed development is located on a legally created lot.

The Board of Supervisors finds that the proposed development is located on a legally created lot shown on Assessor's Map Bk. 75 Pg. 9. The lot was originally created as part of the Rancho Los Dos Pueblos Isla Vista Tract. The parcel is originally developed with a single-family dwelling and detached garage built between 1939 and 1944 prior to permitting requirements.

3. The subject property and development on the property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The Board of Supervisors finds that the subject property and development on the property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of Article II. As discussed in Section 6.3 of the staff report dated February 19, 2025, incorporated herein by reference, with the approval of the SDBL requests for three concessions to applicable Article II development standards, the project complies with all

applicable objective standards. There are no zoning or building violations recorded against the subject property. All processing fees have been paid to date.