

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

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 15303.

### **2.0 FINAL DEVELOPMENT PLAN FINDINGS**

According to Section 35-174.7 (Findings Required for Approval) of the Coastal Zoning Ordinance (CZO), a Preliminary or Final Development Plan application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings, as applicable:

#### **2.1. *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 subject parcel has a net lot size of 15,246 square feet/0.35 acres (gross lot size of 22,223 square feet/0.51 acres). The existing development on the parcel includes a two-story office building of with a net floor area of approximately 6,095 square feet (gross floor area of approximately 7,641 square feet) and a parking lot with 12 parking spaces. The proposed project would convert the office building into a 12-bedroom student housing facility. It would not increase the size, height or footprint of the existing building.

The existing building has adequate space for 12 bedrooms and related uses, including, but not limited to, a dining room, living room, meeting room, kitchens, and bathrooms. The bedrooms meet or exceed the policy and zoning standards for size and density. In addition, the subject parcel includes adequate space for an exterior patio, courtyard, and landscaping.

The parking regulations in the CZO require the proposed project to include 27 parking spaces. These parking spaces may be located on-site or off-site. With minor modifications to the parking regulations, the project would comply with these regulations by providing 12 on-site parking spaces and 15 off-site parking spaces at the San Clemente Housing Project. Therefore, this finding can be made.

#### **2.2. *That adverse impacts are mitigated to the maximum extent feasible.***

The potential impacts of the proposed project are generally limited to short-term impacts associated with construction activities for exterior and interior alterations, such as impacts on air quality (possible asbestos removal), water quality ( possible discharge of concrete, paint or other construction materials), noise (construction-related vehicles, equipment, activities) and transportation (construction-related vehicles and equipment). The long-term impacts are generally limited to potential impacts on aesthetics (exterior design, lighting, landscaping). The conditions of approval for this project include standard conditions that would avoid or mitigate these impacts to the maximum extent feasible. For example, the applicant must provide a washout area to protect water quality and obtain final approval from the Board of Architectural Review to ensure the project conforms to the character of the existing community. Therefore, this finding can be made.

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

The existing office building on the subject parcel was constructed in 1970. The surrounding streets are public, paved streets and are adequate to serve the existing office building. A County transportation planner reviewed the proposed project and concluded that it would generate no more vehicle trips than the existing office building. The proposed project would not necessitate any street or highway improvements. Therefore, this finding can be made.

**2.4. *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 Goleta Water District and Goleta West Sanitary District provide water and sewer service, respectively, to the existing office building. The applicant submitted letters from these public districts stating that they have adequate capacity to serve the proposed student housing facility. The County Sheriff and County Fire Department provide police and fire protection services for Isla Vista. The proposed housing facility will not create a significant new demand for police or fire protection services compared to the existing office building. Therefore, this finding can be made.

**2.5. *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 subject parcel is located in the unincorporated community of Isla Vista and zoned High Density Student Residential (SR-H). The purpose of this zone district is to “. . . provide for residential development which is unique to a student-oriented community . . .” The surrounding area is predominantly medium to high-density housing developments, such as apartments, sororities, and fraternities. The proposed project will convert an existing office building into a 12-bedroom student housing facility. This use conforms to the purpose of the zone district and will be compatible with the surrounding area. Therefore, this finding can be made.

**2.6. *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 and/or the project falls with the limited exception allowed under Section 35-161.7.***

As discussed in the Board Agenda Letter dated May 1, 2012, and in Sections 6.2 and 6.3 of the Planning Commission staff report dated August 9, 2011, both herein incorporated by reference, the proposed project would conform to the policies of the Comprehensive Plan, including the Coastal Land Use Plan and Goleta Community Plan, and regulations of the CZO with approval of specific modifications allowed under the Development Plan and Conditional Use Permit. The Development Plan modifications include allowing a trash enclosure in the rear setback and bicycle racks in the front setbacks. Allowing the trash enclosure in the rear setback ensures this structure is accessible and well screened from streets and adjoining parcels. Siting the bicycle racks in the front setbacks makes them convenient to use and, therefore, helps reduce traffic and parking problems by promoting the use of bicycles. The Conditional Use Permit modifications include allowing a parking space in one of the front setbacks, increasing the distance from the project site to off-site parking, and modifying the requirement that specific off-site parking spaces be permanently dedicated to the proposed student housing facility. These minor modifications ensure that the project provides the required number of parking

spaces and mitigates the potential impacts of the project on traffic, congestion, and parking. Therefore, this finding can be made.

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

The subject parcel and proposed project are located in a designated urban area. Therefore, this finding does not apply to the proposed project.

**2.8. *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.***

A 50-foot wide easement for a road and public utilities covers the northerly 25-feet of the subject parcel (see Parcel Map 11,042, P.M. Book 5, Page 59). A street that provides access to the subject parcel and four other parcels (Assessor's Parcel Numbers 075-020-005, 075-020-006, 075-020-007 and 075-020-036) is located inside this easement area but outside the subject parcel.

A driveway, planter, hedge, trees, and shrubs exist within the northerly 25-feet of the subject parcel (easement area). The proposed project does not include any new buildings or structures within the easement area. However, it does include a gravel drainage channel, ground cover, vegetable bed, and shrubs. The proposed drainage channel and landscaping would not extend any further into the easement area than the existing planter and landscaping. In addition, the proposed drainage channel and landscaping could be easily removed and, as a result, would not obstruct or conflict with the easement or any future expansion or realignment of the existing street or public utilities. Therefore, this finding can be made.

### **3.0 CONDITIONAL USE PERMIT FINDINGS**

According to Section 35-172.8 (Findings Required for Approval) of the CZO, a Conditional Use Permit application shall only be approved or conditionally approved only if decision-maker first makes all of the following findings:

**3.1. *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.***

The subject parcel has a net lot size of 15,246 square feet/0.35 acres (gross lot size of 22,223 square feet/0.51 acres). The existing development on the parcel includes a two-story office building of with a net floor area of approximately 6,095 square feet (gross floor area of approximately 7,641 square feet) and a parking lot with 12 parking spaces. The proposed project would convert the office building into a 12-bedroom student housing facility. It would not increase the size, height or footprint of the existing building.

The existing building has adequate space for 12 bedrooms and related uses, including, but not limited to, a dining room, living room, meeting room, kitchens, and bathrooms. The bedrooms meet or exceed the policy and zoning standards for size and density. In addition, the subject parcel includes adequate space for an exterior patio, courtyard, and landscaping.

The parking regulations in the CZO require the proposed project to include 27 parking spaces. These parking spaces may be located on-site or off-site. With minor modifications to the parking regulations, the project would comply with these regulations

by providing 12 on-site parking spaces and 15 off-site parking spaces at the San Clemente Housing Project. Therefore, this finding can be made.

**3.2. *That adverse environmental impacts are mitigated to the maximum extent feasible.***

The potential impacts of the proposed project are generally limited to short-term impacts associated with construction activities for exterior and interior alterations, such as impacts on air quality (possible asbestos removal), water quality (possible discharge of concrete, paint or other construction materials), noise (construction-related vehicles, equipment, activities) and transportation (construction-related vehicles and equipment). The long-term impacts are generally limited to potential impacts on aesthetics (exterior design, lighting, landscaping). The conditions of approval for this project include standard conditions that would avoid or mitigate these impacts to the maximum extent feasible. For example, the applicant must provide a washout area to protect water quality and obtain final approval from the Board of Architectural Review to ensure the project conforms to the character of the existing community. Therefore, this finding can be made.

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

The existing office building on the subject parcel was constructed in 1970. The surrounding streets are public, paved streets and are adequate to serve the existing office building. A County transportation planner reviewed the proposed project and concluded that it would generate no more vehicle trips than the existing office building. The proposed project would not necessitate any street or highway improvements. Therefore, this finding can be made.

**3.4. *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 Goleta Water District and Goleta West Sanitary District provide water and sewer service, respectively, to the existing office building. The applicant submitted letters from these public districts stating that they have adequate capacity to serve the proposed student housing facility. The County Sheriff and County Fire Department provide police and fire protection services for Isla Vista. The proposed housing facility will not create a significant new demand for police or fire protection services compared to the existing office building. Therefore, this finding can be made.

**3.5. *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 subject parcel is located in the unincorporated community of Isla Vista and zoned High Density Student Residential (SR-H). The purpose of this zone district is to “. . . provide for residential development which is unique to a student-oriented community . . .” The surrounding area is predominantly medium to high-density housing developments, such as apartments, sororities, and fraternities. The proposed project will convert an existing office building into a 12-bedroom student housing facility. This use conforms to the purpose of the zone district and will be compatible with the surrounding area. Therefore, this finding can be made.

**3.6. *That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.***

As discussed in the Board Agenda Letter dated May 1, 2012, and in Sections 6.2 and 6.3 of the Planning Commission staff report dated August 9, 2011, both herein incorporated by reference, the proposed project would conform to the policies of the Comprehensive Plan, including the Coastal Land Use Plan and Goleta Community Plan, and regulations of the CZO with approval of specific modifications allowed under the Development Plan and Conditional Use Permit. The Development Plan modifications include allowing a trash enclosure in the rear setback and bicycle racks in the front setbacks. Allowing the trash enclosure in the rear setback ensures this structure is accessible and well screened from streets and adjoining parcels. Siting the bicycle racks in the front setbacks makes them convenient to use and, therefore, helps reduce traffic and parking problems by promoting the use of bicycles. The Conditional Use Permit modifications include allowing a parking space in one of the front setbacks, increasing the distance from the project site to off-site parking, and modifying the requirement that specific off-site parking spaces be permanently dedicated to the proposed student housing facility. These minor modifications ensure that the project provides the required number of parking spaces and mitigates the potential impacts of the project on traffic, congestion, and parking. Therefore, this finding can be made.

**3.7. *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.***

The subject parcel and proposed project are located in a designated urban area. Therefore, this finding does not apply to the proposed project.

**3.8. *That the project will not conflict with any easements required for public access through, or public use of the property.***

A 50-foot wide easement for a road and public utilities covers the northerly 25-feet of the subject parcel (see Parcel Map 11,042, P.M. Book 5, Page 59). A street that provides access to the subject parcel and four other parcels (Assessor's Parcel Numbers 075-020-005, 075-020-006, 075-020-007 and 075-020-036) is located inside this easement area but outside the subject parcel.

A driveway, planter, hedge, trees, and shrubs exist within the northerly 25-feet of the subject parcel (easement area). The proposed project does not include any new buildings or structures within the easement area. However, it does include a gravel drainage channel, ground cover, vegetable bed, and shrubs. The proposed drainage channel and landscaping would not extend any further into the easement area than the existing planter and landscaping. In addition, the proposed drainage channel and landscaping could be easily removed and, as a result, would not obstruct or conflict with the easement or any future expansion or realignment of the existing street or public utilities. Therefore, this finding can be made.

**3.9. *That the proposed use is not inconsistent with the intent of the zone district.***

The subject parcel is zoned High Density Student Residential (SR-H). Section 35-77.1 of the CZO states "The purpose of this district [SR-H] is to provide for residential development which is unique to a student-oriented community. The intent is to provide for multiple residential development at moderate densities . . . The provision of affordable housing within this district shall be encouraged." The proposed project is consistent with this purpose and intent. It would result in a new student housing facility with 12 bedrooms on a site that is located less than one-half mile from the campus of the University of California, Santa Barbara. The applicant has stated that the facility will provide housing for "low income students." Therefore, this finding can be made.

#### **4.0 MODIFICATIONS FINDINGS**

##### **4.1 Section 35-172.12.1 (Conditions, Restrictions, and Modifications) of the Coastal Zoning Ordinance states:**

*At the time the Conditional Use Permit is approved . . . the . . . Planning Commission or Board of Supervisors may modify the building height limit, number of stories, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the . . . Planning Commission or Board of Supervisors finds the project justifies such modifications and is consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.*

The applicant has requested that the Board of Supervisors modify the parking regulations under the Conditional Use Permit. Specifically, the applicant proposes to provide 27 parking spaces through 12 on-site spaces and 15 off-site spaces. This would require the following modifications to the parking regulations: (1) increase the maximum distance between the housing facility and off-site parking spaces from the required 500 feet to 700 to 2,300 feet, (2) modify the requirement that specific off-site parking spaces be “permanently dedicated” to residents of the housing facility, and (3) allow an on-site parking space in one of the front setbacks. As discussed in the Board Agenda Letter dated May 1, 2012 and in Subsection 6.3.2 (Requested Modifications) of the Planning Commission staff report dated August 9, 2011, such modifications are consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines. The Board Agenda Letter and Subsection 6.3.2 of the Planning Commission staff report are hereby incorporated by reference. Therefore, this finding can be made.

##### **4.2 Section 35-174.8.1 (Conditions, Restrictions, and Modifications) of the Coastal Zoning Ordinance states:**

*At the time the Preliminary or Final Development Plan is approved . . . the . . . Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications.*

The applicant has requested that the Board of Supervisors modify the setback regulations under the Development Plan. In particular, the proposed project includes a trash enclosure in the rear setback and a storage shed and two bicycle racks in the front setbacks. These structures are not listed as allowed uses in the rear and front setbacks, respectively. As discussed in the Board Agenda Letter dated May 1, 2012 and in Subsection 6.3.2 (Requested Modifications) of the Planning Commission staff report dated August 9, 2011, the project justifies such modifications. The Board Agenda Letter and Subsection 6.3.2 of the Planning Commission staff report are hereby incorporated by reference. Therefore, this finding can be made.

#### **5.0 COASTAL DEVELOPMENT PERMIT FINDINGS**

According to Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit), a Coastal Development Permit application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:

**5.1. *The proposed development conforms:***

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

As discussed in the Board Agenda Letter dated May 1, 2012 and in Sections 6.2 and 6.3 of the Planning Commission staff report dated August 9, 2011, both herein incorporated by reference, the proposed project would conform to the policies of the Comprehensive Plan, including the Coastal Land Use Plan and Goleta Community Plan, and provisions of the CZO with approval of specific modifications allowed under the Development Plan and Conditional Use Permit. The Development Plan modifications include allowing a trash enclosure in the rear setback and a storage shed and bicycle racks in the front setbacks. Siting the trash enclosure in the rear setback ensures this structure is accessible and well screened from streets and adjoining parcels. The storage shed is small and partially screened from adjacent streets. Siting the bicycle racks in the front setbacks makes them convenient to use and, therefore, helps reduce traffic and parking problems by promoting the use of bicycles. The Conditional Use Permit modifications include increasing the distance from the project site to off-site parking, modifying the requirement that specific off-site parking spaces be permanently dedicated to the proposed project, and siting a parking space in one of the front setbacks. These modifications ensure that the proposed project provides the required number of parking spaces and mitigates the potential impacts of the project on traffic, congestion, and parking. Therefore, this finding can be made.

**5.2. *The proposed development is located on a legally created lot.***

The subject parcel is Parcel B of Parcel Map 11,042, which the County Surveyor certified and the County Recorder recorded on May 26, 1969 (see P.M. Book 5, Page 59). Therefore, this finding can be made.

**5.3. *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).***

An unpermitted storage shed of approximately 100 square feet exists in the front setback north of the existing building. This accessory structure is included in the project description. Approval of the project and the related permits would abate this zoning violation. Otherwise, there are no outstanding zoning violations on the subject parcel. Therefore, this finding can be made.

**5.4 *The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

The subject parcel is located in the north-central portion of Isla Vista and is approximately one-half mile north of the beach and ocean. The surrounding apartments, single-family dwellings and other urban-scale development block all views of the beach and ocean as seen from the subject parcel and the surrounding parcels. No public parks, trails or other recreation facilities exist on or near the subject parcel. Given these

circumstances, the project will not obstruct public views from any public road or public recreation area to or along the coast. Therefore, this finding can be made.

**5.5 *The development is compatible with the established physical scale of the area.***

The existing office building is two-stories in height and approximately 7,641 gross square feet in size. The development in the area ranges from one and two-story single-family dwellings of approximately 2,000 square feet in size to one and two-story multi-unit dwellings of more than 25,000 square feet in size. The existing building falls within the lower range of development in the area and, therefore, is compatible with the established physical scale of the area. The proposed project would not increase the height or size of the existing building. Therefore, this finding can be made.

**5.6 *The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.***

The proposed project would not affect public access or recreation facilities. The subject parcel is located in a developed urban area and is surrounded by privately-owned parcels with residences, duplexes, apartments, religious facilities and non-profit facilities. The subject parcel is approximately one-half mile south of the bluff and beach. Public streets provide access to the bluff and beach. No public parks, trails or other recreation facilities are located or proposed on or near the subject parcel or the adjoining parcels. Therefore, this finding can be made.

**5.7 *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 applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated on the Land Use Plan or zoning maps . . .***

The Goleta Water District and Goleta West Sanitary District currently provide water and sewer service, respectively, to the existing office building. The applicant submitted letters from these public districts stating that they have the capacity to serve the proposed housing facility.

Access to the subject parcel is from a public road (Camino Pescadero). This road is paved and provides adequate access to the subject parcel. No access or road improvements are necessary. The County Sheriff and Fire Department provide police and fire protection services for Isla Vista. The proposed housing facility will not create a significant new demand for police or fire protection services compared to the existing office building. Therefore, this finding can be made.