

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (PER CEQA SECTION 15162)

CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Board of Supervisors has considered the Addendum dated July 15, 2019 (Attachment 3) together with the previously certified Environmental Impact Report, 95-EIR-01 (Attachment 4), for the Orcutt Gateway Retail Center project (16TPM-00000-00001/TPM 14,824, 16DVP-00000-00009, 16CUP-00000-00017, 16CUP-00000-00018, and 16OSP-00000-00002). The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the Orcutt Community Plan EIR (95-EIR-01), is adequate for this proposal. On the basis of the whole record, including the Addendum and the Orcutt Community Plan EIR (95-EIR-01), and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum are only minor technical changes or additions. As discussed in Section 6.1 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 since there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project dated July 15, 2019 addresses the following issues: Biological Resources, Geology/Soils/Flooding, Water Resources, Archaeological Resources, Traffic/Circulation, Fire Protection, Solid Waste, Noise, Visual Resources/Open Space, Wastewater, Air Quality and Greenhouse Gas Emissions. The Addendum dated July 15, 2019, incorporated herein by reference, finds that the Orcutt Community Plan EIR (95-EIR-01), as amended, may be used to fulfill the environmental review requirements of the current project. Since

none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated July 25, 2019 (Attachment 6), incorporated herein by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

2.0 ADMINISTRATIVE FINDINGS

2.1 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)

A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Orcutt Gateway Retail Center Vesting Tentative Parcel Map, Case No. 16TRM-00000-00001:

- 1. State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The project has been sited and designed to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site. Therefore, the project is consistent with this finding.

- 2. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.**

As indicated in sections 6.2 and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, with the implementation of the recommended conditions of approval, the proposed project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. Adequate ingress/egress, infrastructure and public and private services are available to serve the project. Therefore, the project is consistent with this finding.

- 3. State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:**
 - a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.**

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment 2.1, the project will be consistent with all applicable policies of the County's Comprehensive Plan, the Orcutt Community Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment 2.1, the proposed project is consistent with the County's Comprehensive Plan, and the Orcutt Community Plan.

c. The site is not physically suitable for the type of development proposed.

The proposed project is consistent with the development of Key Site 2, per the OCP which anticipated the development of approximately 283,500 sq. ft. of commercial development onsite. The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. There are no significant slopes or sensitive biological habitat onsite and adequate public and private services are available to serve the proposed project. Therefore, the site is physically suitable for the type of development proposed.

d. The site is not physically suited for the proposed density of development.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the OCP EIR (95-EIR-01) anticipated that development on Key Site 2 would include approximately 283,500 sq. ft. of commercial development including a grocery store, retail commercial uses, and gas station. The project proposes to develop 42,921 sq. ft. of retail commercial uses on the site including a grocery store, retail commercial uses, drive-through restaurant, and gas station. This amount of proposed development is less than what was anticipated by the OCP EIR. The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. As noted in the finding above, the proposed location of development is within the identified development areas in accordance with the requirements of the OCP EIR. Therefore, the project site is suited for the proposed density of development.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed project includes 42,921 sq. ft. of commercial development proposed on a 5.95 acre portion of Key Site 2 (APN 129-280-001), leaving approximately 12 acres of the Key Site (APNs 129-280-003, -004) undeveloped. The project proposes to develop 42,921 sq. ft. of retail commercial uses on the site including a grocery store, retail commercial uses, drive-through restaurant, car wash, and gas station with carwash. This amount of proposed development is less than what was anticipated by the OCP EIR. As noted in the Addendum to 95-EIR-01 (Attachment 3), the project will have certain significant and unavoidable project related and cumulative impacts and potentially significant but mitigable project related and cumulative impacts. However, these impacts are the same as originally analyzed in 95-EIR-01 and the Board of Supervisors adopted a Statement of Overriding Considerations for these Class I impacts. Project conditions of approval require the implementation of erosion control measures during construction, and the use of protective devices (grease traps, bio-swales, and on site detention basin) to minimize and filter runoff prior to it leaving the site. Therefore, the project's design would not be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

f. The design of the subdivision or type of improvements is likely to cause serious public health problems.

As discussed in Sections 6.2 and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the retail commercial uses that will be developed on the site will not result in the use of hazardous materials or processes that will have the potential to result in significant public health impacts. Adequate water, utilities, and access are available to serve the proposed parcels. The project is not located within an area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, Public Works Transportation, and Air Pollution Control District. The project's use of public sewers will reduce the potential for impacts to public water supplies to a less than significant level. Proposed conditions of approval will minimize construction-related air emissions, and project-related traffic will not result in impacts associated with localized increases in carbon monoxide concentrations. There are no identified or likely public health problems or hazards associated with the project. Therefore, with the implementation of proposed conditions of approval included in Attachments 2.1 through 2.5, the project will not result in serious public health problems.

g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision

The project is conditioned to include easements for, and the development of, a public trail onsite. The project also includes trail easements consistent with the OCP. The trail provides the public access to the OCPs trail system and will provide enjoyable, healthy exercise and recreational opportunities to the public. In summary, the proposed design of the subdivision will not adversely affect any public easement for access or other purposes.

4. **State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed project will be required to obtain a Can and Will Serve Letter by the Laguna County Sanitation District (LCSD). Adherence to Condition No. 3 of Attachment 2.1 will ensure that the project's wastewater will not cause the LCSD to be unable to meet the RWQCB limits. Therefore, the project will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

2.2. **TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)**

- A. **The following findings shall be cause for disapproval of a tentative map but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.**

1. **Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

The project does not include any easements or rights-of-way across proposed county streets. Therefore, this finding can be made.

2. **Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.**

The proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division.

3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.

The proposed parcels will be generally level or gently sloping. The subdivision and associated infrastructure improvements will not create steep or unsafe cut or fill slopes.

4. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.

The purpose of this finding is to prevent the commencement of development associated with a map prior to map recordation where the development is contingent on the valid creation of parcels under the recorded map. In this case, the commercial development to be approved under the Development Plan (16DVP-00000-00009) is not contingent on the creation of parcels under the Tentative Parcel Map. Upon approval of the Development Plan, the development could proceed without the map. Under these circumstances, the purpose of this finding would not be served by requiring that the final map be recorded prior to commencement of grading or construction work associated with the Development Plan, and the inclusion of that requirement is not warranted.

5. Potential creation of hazard to life or property from floods, fire, or other catastrophe.

The Tentative Parcel Map will not create any hazards to life or property from floods, fire, or other catastrophes. Future development will be required to meet County Fire Department standards for defensible space and water storage for fire suppression purposes. The Santa Barbara County Flood Control and Fire Departments have reviewed the project and have submitted condition letters included in Attachment 2.1. The project site is not located within any identified flood zones.

6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the project are consistent with the County's Comprehensive Plan, Orcutt Community Plan, and the Land Use Development Code. The Tentative Parcel Map will not affect the alignment of a state highway.

7. Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1.

The project will not result in lots that have a ratio depth to width in excess of 3 to 1. All of the new lots have a ratio of 2 to 1 or less.

8. Subdivision designs with lots backing up to watercourses.

The proposed subdivision will not result in lots backing up to watercourses.

B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.

The tentative map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference. As discussed in these sections, the subdivision and associated infrastructure improvements (as modified by the conditions of approval) are consistent with the County's Comprehensive Plan, Orcutt Community Plan, Santa Barbara County Land Use and Development Code, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.1 above, incorporated herein by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.

2.3 DEVELOPMENT PLAN FINDINGS

A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

2.3.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the 5.95 acre portion of Key Site 2 (APN 129-280-001) is adequate in size, shape, location and physical characteristics to accommodate the proposed project. The site is zoned for retail commercial uses and is located in an urban area of Orcutt adjacent to other sites which are also zoned for retail commercial development. The project site was determined to be an appropriate location to accommodate the proposed density and intensity of retail commercial development during the adoption of the OCP and certification of the OCP EIR. The proposed project will not increase the build-out approved under the OCP since the project is proposing less retail commercial development than what the OCP allows on

the site (42,921 sq. ft. vs. 283,500 sq. ft.). Therefore the proposed project is consistent with this finding.

2.3.2 Adverse impacts will be mitigated to the maximum extent feasible.

As discussed in detail in the Addendum to the OCP EIR (95-EIR-01), the proposed project will not result in new potentially significant impacts or increase the severity of impacts identified in 95-EIR-01. The proposed project will not increase the build-out approved under the OCP. All significant impacts identified in 95-EIR-01 were mitigated to the maximum extent feasible. The Board of Supervisors adopted Findings of Overriding Consideration for significant impacts associated with build-out under the OCP which could not be reduced to less than significant levels through incorporation of mitigation measures identified in 95-EIR-01. Therefore, this finding can be made.

2.3.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The design of the project's circulation system conforms to the requirements of the OCP, including the design and location of roadways. Primary access to the project site will be provided from a new signalized intersection located at the "preferred access point" shown on Figure KS2-1. Primary access to the Sunny Hills Mobile Home Park will be provided by this new signalized intersection, and the easement for the Key Site 3 project to the south has been realigned to be consistent with the new roadway alignment. A secondary access point (right-in/right-out) from Clark Avenue will continue to be provided from the existing roadway currently serving the mobile home park. This road will also serve as a secondary access point to the proposed gas station located along the eastern portion of the project site. A third point of access will be provided from Clark Avenue along the western side of the project site and will also be utilized as access to the adjacent Key Site 4 retail commercial development project which is currently under construction. The Santa Barbara County Public Works Roads Division has reviewed and approved the design of the proposed access roads for the project.

A Traffic and Circulation Study (Associated Transportation Engineers, March 27, 2019) was completed for the proposed project. Existing ADT volumes for the study-area roadways were obtained from traffic counts conducted in January, 2019. The operational characteristics of the study-area roadways were analyzed based on the County's engineering roadway design capacities. The existing intersection operations show that the study-area intersections currently operate acceptably at a Level of Service (LOS) C or better with existing traffic volumes, meeting the County's LOS C standard. According to the data included in the traffic study, the proposed project is forecast to generate a total of 6,036 ADTs with 513 PHTs occurring in the PM peak hour. Of those total trips, 3,350 ADTs and 287 PM PHTs would be primary trips that would be considered new to the study-area. The study-area roadways are forecast to carry volumes within their acceptable capacity ratings under existing plus project conditions, and the project would not significantly impact the study-area roadway segments based on County thresholds. The existing plus project levels of service were also evaluated and the data from the traffic study shows that study-area intersections would continue to operate at LOS C or better with existing plus project traffic volumes, which meets the County's LOS C standard.

The traffic study includes analysis for the proposed project assuming that both the Key Site 2 and Key Site 4 projects are constructed and operational. The roadway volumes under this scenario show that the study-area roadways are forecast to carry volumes within their acceptable capacity ratings. The proposed project would not significantly impact the study-area roadway segments based on County thresholds, and study-area intersections would continue to operate at a LOS C standard. Development of the proposed project will not adversely affect any offsite bike routes or park and ride facilities. Sidewalks and a multi-use public trail are proposed as part of the project. These facilities connect to existing and future sidewalks, trails, and bikeways in the area by way of Stillwell Road and Clark Avenue. Therefore, this finding can be made.

2.3.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in section 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, adequate fire and police protection, ingress and egress, landfill capacity, and wastewater service will be available for the proposed project. Sewage disposal will be provided by the Laguna County Sanitation District and the Golden State Water Company respectively. A draft supplemental water agreement has been obtained in compliance with OCP Policy WAT-O-2. The project has been annexed into the LCSD boundaries and a new connection to the sewer line located adjacent to Stillwell Road to the west is proposed. Therefore, this finding can be made.

2.3.5 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 July 25, 2019 (Attachment 6), incorporated herein by reference, the project site was determined to be an appropriate location for retail commercial development during the adoption of the OCP. Retail commercial uses on the project site have been sized and architecturally designed to ensure compatibility with surrounding land uses. As discussed in the Addendum to the OCP EIR (Attachment 3) prepared for the project, the environmental impacts resulting from the project will be the same or less than what was anticipated in the OCP EIR. Applicable mitigation measures addressing visual resources, noise, biological resources, water resources/flooding, traffic, fire protection, and solid waste are included as project condition of approval. These conditions will ensure that the project is not detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood or is incompatible with the surrounding area consistent with this finding.

2.3.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the project will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. The project also conforms to all

requirements of the Land Use and Development Code in regards to the C-2 zone district standards. Therefore, this finding can be made.

2.3.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

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

There are no existing public easements required for public access through or public use of the subject property. The proposed project includes a new public multi-use trail along the north eastern boundary of the property consistent with OCP Development Standard DevStd KS2-7. The project has been designed to avoid conflicts with this public easement. Therefore this finding can be made.

B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

The project consists of a Final Development Plan, and does not involve a previously approved Preliminary Development Plan. The Board of Supervisors may consider the Final Development Plan as both a Preliminary and Final Development Plan. Therefore, this finding can be made.

C. Additional finding required for a 15-foot reduction in the required 25-foot rear yard setback requirement on proposed parcel 1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking except as provided within Subsection H.1.a, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and Chapter 35.36 (Parking and Loading Standards) when the review authority finds that the modification is justified.

Allowing a reduction in the rear yard setback from 25 ft. to 10 ft. is justified as the reduced amount of space between the proposed grocery store/retail commercial building and the existing

mobile home park does not allow for vehicle or pedestrian access to this area which will buffer residents from vehicle noise from loading and unloading operations, driving, parking and associated vehicle air emissions. The rear area is proposed to be landscaped with trees and shrubs and a new 8-ft. tall CMU block wall is proposed to be constructed along the rear property line between the existing mobile home park and the proposed project site. The proposed loading/unloading dock for the grocery store would be located along the western side of the building instead of the rear. This design is consistent with OCP Development Standard DevStd LUC-O-5.2 which specifies that additional noise reduction measures such as loading only on sides of buildings shall be considered.

2.4 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

2.4.1. 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.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the 5.95 acre portion of Key Site 2 (APN 129-280-001) is adequate in size, shape, location and physical characteristics to accommodate the proposed project. The site is zoned for retail commercial uses and is located in an urban area of Orcutt adjacent to other sites which are also zoned for retail commercial development. The project site was determined to be an appropriate location to accommodate the proposed density and intensity of retail commercial development during the adoption of the OCP and certification of the OCP EIR. The proposed project will not increase the build-out approved under the OCP since the project is proposing less retail commercial development than what the OCP allows on the site (42,921 sq. ft. vs. 283,500 sq. ft.). Therefore the proposed project is consistent with this finding.

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

As discussed in Finding 1.4 of this document and Section 6.1 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, significant adverse environmental impacts resulting from the project, including the drive-through restaurant and mechanical carwash, were identified by the Orcutt Community Plan Environmental Impact Report (95-EIR-01) and in the Addendum prepared for the proposed project (Attachment 3). Mitigation measures that were identified by the EIR and the Addendum have been included as conditions of approval to mitigate impacts to the maximum extent feasible. Therefore, this finding can be made.

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

As discussed in Finding 2.3.3 of this document, incorporated herein by reference, streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed uses including the drive-through restaurant and mechanical carwash. Therefore, the proposed project is consistent with this finding.

2.4.4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in section 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, adequate fire and police protection, ingress and egress, landfill capacity, and wastewater service will be available for the proposed project including the drive-through restaurant and mechanical carwash and impacts related to these services will be less than significant. Sewage disposal will be provided by the Laguna County Sanitation District and the Golden State Water Company respectively. A draft supplemental water agreement has been obtained in compliance with OCP Policy WAT-O-2. The project has been annexed into the LCSD boundaries and a new connection to the sewer line located adjacent to Stillwell Road to the west is proposed. Therefore, this finding can be made.

2.4.5. 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.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the project site was determined to be an appropriate location for retail commercial development such as the drive-through restaurant and mechanical carwash during the adoption of the OCP. Retail commercial uses on the project site have been sized and architecturally designed to ensure compatibility with surrounding land uses. As discussed in the Addendum to the OCP EIR (Attachment 3) prepared for the project, the environmental impacts resulting from the project will be the same or less than what was anticipated in the OCP EIR. Applicable mitigation measures addressing visual resources, noise, biological resources, water resources/flooding, traffic, fire protection, and solid waste are included as project conditions of approval. These conditions will ensure that the project is not detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood or is incompatible with the surrounding area consistent with this finding.

2.4.6. That the project is in conformance with the applicable provisions and policies of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2, and 6.3 of the staff report dated July 25, 2019 (Attachment 6), incorporated herein by reference, the project, including the drive-through restaurant and

mechanical carwash, will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. Therefore, the project is consistent with this finding.

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

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

2.5 OVERALL SIGN PLAN FINDINGS

In compliance with Subsection 35.82.150.F of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Overall Sign Plan that includes any modifications in compliance with Subsection 35.82.150.C the Board of Supervisors shall first make all of the following findings (as applicable):

1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
3. **Under Canopy sign.** The proposed area of the under canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
4. **Wall sign.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

As a part of the approval of the proposed Overall Sign Plan, the applicant is requesting that the review authority approve a modification to the wall signage on proposed commercial building 1 (grocery store) to increase the maximum sign area from 100 sq. ft. to 110 sq. ft., and allow for two additional wall signs for tenant identification for a total of 3 wall signs. A modification request to allow for one additional wall sign for tenant identification on the north elevation of proposed commercial building 2 is also being requested. A third modification to the freestanding identification sign for the proposed shopping center is being requested to allow the sign to identify multiple tenants within the shopping center.

In compliance with Subsection 35.82.150.F of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Overall Sign Plan that includes any modifications, the review authority shall find that the proposed area, height, or number of freestanding

signs is architecturally harmonious in relation to the size and location of the shopping center. For modifications to wall signs, the Board of Supervisors shall find that the proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed, and that the proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

The NBAR has conceptually reviewed the proposed signage on September 28, 2018 and has determined that the quantity, placement and design of the proposed signs would be appropriate for the proposed project. The proposed wall signage has been designed and sized to be compatible with the proposed grocery store and retail commercial uses and will be architecturally harmonious in relation to the size of these structures. Allowing the proposed freestanding sign to identify multiple tenants within the shopping center is consistent with other shopping centers in the area and this sign has also been designed to be architecturally consistent with the proposed structural development and overall design of the shopping center. No modifications to menu board or under canopy signage is proposed. Therefore, this finding can be made.