

ATTACHMENT 1: FINDINGS

CEQA FINDINGS

1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Board of Supervisors has considered the Addendum dated September 29, 2006 together with the previously certified EIR 78-EIR-9 for the Northpoint Village, Unit III, Phase IV, project. The Addendum reflects the independent judgment of the [review authority] and has been completed in compliance with CEQA. The Addendum, together with the EIR 78-EIR-9 and supplemental document 92-SD-2, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA documents, and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment. Modification of language to condition no. 13 as proposed will not result in new significant environmental impacts or increase the severity of previously identified environmental impacts.

1.2 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

Finding that Section 15183, 15162 and 15164 of the State CEQA Guidelines applies to the Northpoint Unit III, Phase IV, 98-DP-023. CEQA Section 15162 and 15164 allow the use of an addendum to a previously prepared EIR unless subsequent changes are proposed in the project which will require important revisions of the previous EIR due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available. The Addendum prepared for the project evaluated the applicant's proposal to replace the four bedroom units with two and three bedroom units and addressed the following issues: Transportation/Circulation, Air Quality, Aesthetics, Noise, Water Resources, Geology, and Public Services (schools). The analysis in the addendum concluded that there are no substantial changes to the proposed project and neither new significant environmental effects nor substantial increases in the severity of previously identified significant effects which would result from the proposed project. Moreover, the proposed reduction in bedrooms on several of the units, and the slight reduction in parking spaces, would not change the conclusions of the environmental documents.

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 Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101/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) require 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.

2.0 ADMINISTRATIVE FINDINGS

2.1 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:

B.

2.1.1 *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.*

The proposed project was originally evaluated under TM 12,414 and 82-DP-3 at which time a finding was made that the project was adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed. In that the project involves the development of previously recorded parcels, a reduction in density is not feasible. Moreover, the site is presently located within a developed urban area of Orcutt. The site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of the proposed development as evidenced by the following:

- a. The shape of the site is fairly regular, and is not a concern to development. No special setback requirement or modifications to building size or shape are required.
- b. The site is adjacent to three roadways (Foster, Hummel and Union Valley Parkway) which provide access for the site. Two new internal roadways would be added to existing internal roadways for circulation within the Northpoint development.
- c. The topography in the area of Phase IV is relatively flat, due to rough grading of the site during earlier phases of Northpoint and would accommodate the proposed development without major changes in the relationship of existing grade elevations to abutting properties.
- d. The current development conforms to the previous Phase IV of the original Northpoint development, approved as 82-DP-03 and 92-DP-017. All other phases of development have been constructed and occupied.

2.1.2 *Adverse impacts are mitigated to the maximum extent feasible.*

Adverse impacts are mitigated to the maximum extent feasible as indicated in the environmental documents. All impacts have been mitigated to insignificance with the exception of the school impacts. The County is preempted by State law from requiring mitigation of this impact beyond the developer fees (per § 65995), and the school district fees can not be assessed because the school districts waived the fees and the Tract Map was recorded prior to the implementation of the fee program. Therefore, there is no feasible mitigation for the school impact and this finding can be made.

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

The project is expected to generate 18 PHT and 188 ADT (0.56 PHT/hr.; 5.86 ADT/unit; ITE). The Foster Road segment between Bradley Road and S.R. 135 currently operates at 8,800 ADT which is above the policy capacity (5000 ADT), but well below the design capacity of 11,800 ADT. Since there are no sharp curves, poor sight distance, or inadequate pavement structure, etc. (as described in the threshold manual), the project could exceed the policy capacity and not result in significant impact to the roadway. An alternate access route via Hummel and Union Valley Parkway is also available to bypass Foster Road during peak hours. Two new private internal roadways will be added to existing internal private roadways to allow access to the private driveways. Pursuant to the Supplemental Document, impacts to existing roadways would be considered less than significant.

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

The Golden State Water Company has issued a Can and Will Serve letter for the project. The district has determined that adequate water resources are available for the life of the project. Laguna County Sanitation District also has issued a Can and Will Serve letter for the project. Adequate capacity at the sewage treatment plant has been reserved for this project and others that have received the Can and Will Serve letter. With implementation of the County Fire Department's proposed conditions of approval, adequate services would be available. No additional services were deemed necessary for police protection.

2.1.5 *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.*

The project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would be compatible with surrounding areas as evidenced by the following:

- a. The project would be served by all public utilities.
- b. Environmental impacts would be mitigated to the maximum extent feasible as discussed above.
- c. The 32 units would be separated from the adjacent single family development by a solid block wall. The wall would be a continuation of the wall that separates prior phases of Northpoint from single family homes to the east. The 32 units would be compatible with development to the north and west which are prior phases of the Northpoint development. The height, scale, colors and character of the existing Northpoint units have been used in Phase IV as well.

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

Although development of the 32 units within the 3.4 acre gross portion would result in a density of 9.4 units/acre, given the entire project, approved as a single project

and found consistent with the density, 219 units on 80 acres, total project density is below the maximum density of 3.3 units/acre allowed [219 units/80 acres = 2.74 units/acre]. Since Phase IV is a portion of the overall Northpoint development, the project is in compliance with the density allowed by the DR-3.3 zone district. Based on provisions addressed in the Staff Report dated September 1, 2006, the project would be consistent with all Comprehensive Plan policies and Land Use Development Code. The project is consistent with the Circulation Element which was in effect at the time the project was deemed complete.

2.1.7 *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 proposed project is located within a designated urban area of the township of Orcutt, as such, this finding does not apply.

2.1.8 *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 known public access easements that would be affected by this project. The map, recording the parcels, acknowledged applicable easements for utility and infrastructure purposes to serve this project.

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; therefore, this finding is not applicable.