

## **ATTACHMENT A: FINDINGS OF APPROVAL**

### **1.0 CEQA FINDINGS**

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168.

### **1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM**

The Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 4 to the Board Letter, dated November 1, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment 3 to the Board Letter, dated November 1, 2022, and incorporated herein by reference). As shown in the written checklist, the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Board of Supervisors finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, warranting the preparation of a new environmental document for the Proposed Project.

### **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 Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 West Foster Road, Santa Maria, CA 93455. The final PEIR is located online at:

Volume 1: <https://content.civicplus.com/api/assets/3881b527-0b0c-419e-b53c-c681ff400b4e>

Volume 2: <https://content.civicplus.com/api/assets/1cc6774f-07b3-4796-90cc-ff96ed8345ed>

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

#### **2.1.1 *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 finds that the Proposed Project is adequately served by public and private services. As discussed in the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, adequate services will be in place to serve the proposed Project.

The subject property is served by the Carpinteria Valley Water District, who provided an Intent to Serve Letter, dated September 19, 2022, and states that service will be provided to the property through an existing water meter. The subject property is currently served by the Carpinteria Sanitary District, who provided a Can and Will Serve letter on September 24, 2021, and states that sewer service is available on site. The site is served by the Carpinteria-Summerland Fire Protection District for fire protection services and by the Santa Barbara County Sheriff's Department for public safety. Access will continue to be provided by an existing roadway, Santa Claus Lane.

#### **2.1.2 *Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 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 35-169.4.2 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 in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).***

The Board of Supervisors finds that the Proposed Project conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, and Article II, the Coastal Zoning Ordinance as discussed in Section 5.0 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference. In addition, the Proposed Project is consistent with the Article II requirements for the C-1 Zone District, as they relate to permitted uses, building heights, setbacks, and parking.

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

The Board of Supervisors finds that the Proposed Project is located on a legally created lot. The subject parcel has been validated by prior issuance of County Planning and Building Permits for the existing commercial structure. All existing on site development was legally permitted and constructed in 1964 under zoning and building permits (Land Use Riders #30680, #31541, and #65229).

**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, as conditioned, the subject property is, and the Proposed Project will be, in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of Article II, the Coastal Zoning Ordinance as discussed in Section 5.3 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference. Additionally, all processing fees have been paid to date.

**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 Board of Supervisors finds that the Proposed Project will not obstruct public views from any public road or from a public recreation area to, and along the coast. As discussed in Section 5.0 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the Proposed Project consists of a change of retail use from a formerly-existing art gallery (now vacant) to cannabis retail and does not involve new development aside from minor façade changes, parking lot reconfiguration, and other minor site improvements, and therefore there are no impacts to public views.

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

The Board of Supervisors finds that the Proposed Project is compatible with the established physical scale of the area. The Proposed Project consists of a change of retail use from a formerly-existing art gallery (now vacant) to cannabis retail. The subject property is zoned C-1 and surrounded by other parcels zoned C-1. The Proposed Project includes window and door changes, interior alterations, accessibility upgrades, a new trash enclosure, the relocation of the entry gate and minor landscaping upgrades. All existing commercial buildings will remain as previously permitted and no

new structures will be erected as part of the Proposed Project. As discussed in Sections 6.1 (Appeal Issues), 6.3 (Comprehensive Plan Consistency) and 6.4 (Zoning: Land Use and Development Code) of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the proposed development will remain compatible with the surrounding development in terms of size and height.

**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 Board of Supervisors finds that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the surrounding roads are adequate to serve the proposed development and the Proposed Project will not result in significant increases in traffic during the weekday peak hours. In addition, there is no public access to the beach from the subject property and the on-site commercial parking spots are to serve the on-site uses and are not for beach visitors.