

ATTACHMENT 1: FINDINGS

1. CEQA FINDINGS

- 1.1 The Board of Supervisors has considered the Mitigated Negative Declaration (11NGD-00000-00013) together with the comments received and considered during the public review process. The negative declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 On the basis of the whole record, including the negative declaration and any comments received, the Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record there is no substantial evidence that the project will have a significant effect on the environment.
- 1.3 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.
- 1.4 Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(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. TENTATIVE MAP FINDINGS

- 2.1 Pursuant to the Subdivision Map Act, the Board of Supervisors shall make the following findings:
 - 2.1.1 **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 proposed lots are large enough to facilitate appropriate orientation of structures in the future to allow for passive heating and cooling opportunities. There is ample area surrounding each future residence for planting to allow for passive cooling. Solar array panels or photo voltaic cells may also be feasible subject to obtaining the necessary permits.

- 2.1.2 **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.

The proposed Vesting Tentative Map is consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the Planning Commission staff report dated November 18, 2011, incorporated herein by reference.

2.1.3 State Government Code §66474. The Board of Supervisors shall deny approval of the Tentative Map if it makes any of the following findings::

a. The proposed map is not consistent with applicable general and specific plans as specified in §65451.

The proposed Vesting Tentative Map is consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the Planning Commission staff report dated November 18, 2011, incorporated herein by reference.

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

The design and improvements of the proposed Vesting Tentative Map are consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the Planning Commission staff report dated November 18, 2011, incorporated herein by reference.

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

The proposed residential development would be a natural extension of surrounding residential development in the urban area. The site is an open, gently sloping, undeveloped property zoned for residential development and is physically suitable for residential development.

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

The proposed density of the residential development has been increased above the density under zoning due to its participation in the State Density Bonus Program. However, the effective density and lot sizes are still consistent with the range of densities and lot sizes found in the surrounding neighborhood. Restrictions on the square footage of future development, including single family dwellings and accessory structures, will help to ensure that future development does not overwhelm the site and is compatible with surrounding development. At nearly 15 acres, the average density on the site would be 1.08 units per acre, which is an extremely low density development compatible with the surrounding community and generally consistent with the existing zoning on the property. The site is gently sloping and development of the site would not require significant grading in order to

accommodate future development and the creation of level building pads. Therefore, the site is physically suited for the proposed density of the 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.**

After analysis of the proposed project in a Negative Declaration (11NGD-00000-00013), it has been determined that all potentially significant impacts on the environment will be reduced to less than significant levels with implementation of mitigation measures contained in the Negative Declaration. The project would contribute to the cumulative loss of foraging habitat for white-tailed kite and other bird and wildlife species in the Goleta area, but this project would not substantially damage or injure wildlife or their habitat as the site is not used for nesting and there are other areas for foraging nearby that are still available.

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

The proposed project would not cause serious public health problems. Air quality impacts and noise would be short-term associated with project construction. The project adds a pedestrian path along San Antonio Creek Road which would help to improve pedestrian safety along this section of the roadway. Drainage and flooding impacts resulting from the project would be addressed through the implementation of on-site drainage features and incorporation of best management practices that would ensure peak runoff from the site is not increased and erosion and off-site flooding impacts are minimized. The project includes improvements to the lower portion of San Antonio Creek Road in order to enhance its functionality as an emergency evacuation route. These improvements would help to improve emergency evacuation opportunities in the neighborhood and offset any potential impacts to public safety from the increase in population and residents requiring evacuation. Mitigation measures required in the Negative Declaration for the project (11NGD-00000-00013) and incorporated into the project conditions of approval would help to ensure that the project will not cause 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.**

No easements for public access through or use of the property would be affected by the proposed project.

- 2.1.4 State Government Code §66474.4. The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 as well as an open-space easement, an agricultural conservation easement, and a conservation easement, and that either the resulting parcels following a subdivision of that land**

would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

The subject parcel is not currently in an agricultural preserve contract nor is it subject to an open space easement, agricultural conservation easement or conservation easement. The property is currently unencumbered in that regard.

- 2.1.5 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 residential development has received a letter from the Goleta Sanitary District, dated May 11, 2010, indicating that there is sufficient capacity to serve the proposed project.

- 2.2 Pursuant to Chapter 21-8 of the Santa Barbara County Code, the following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:**

- 2.2.1 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.**

There are no new county streets proposed as part of this project. No new easements or rights-of-way are proposed along or across county streets.

- 2.2.2 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 project site would have adequate ingress and egress via public streets (Via Los Santos and San Antonio Creek Road) and no lots or parcels would be landlocked. The internal

roadways, Cozy Drive and Cozy Lane, are designed to meet the minimum width requirements of the County Fire Department for emergency access.

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

The majority of the project site would be gradually sloping without steep cut or fill slopes. However, in order to drain the residential lots on the western boundary of the project site to the centralized detention basin by way of the road, the pad on Lot 11 needs to be raised slightly above the finished grade of the road. Due to the existing topography on the lot, this results in a rather extensive fill slope on the rear portion of this lot to establish a level building pad. Lot 10 has been designed to minimize the placement of fill material on a steep slope by dropping the pad elevation two feet below the adjacent road, thus sloping the lot away from the road and reducing its elevation difference relative to adjacent properties. The slopes created by the fill placed on Lots 10 and 11 would be approximately 3:1 and would be vegetated and landscaped consistent with the project conditions of approval, which would help to ensure that the slopes are not unsafe or unattractive to view. Furthermore, views of these slopes would only be available from a small number of private residences.

2.2.4 Grading or construction work on any proposed street or lot. 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.

No grading or construction would be permitted as part of the project until recordation of the Vesting Tentative Map and the issuance of applicable follow-up Zoning Clearances.

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

The project site is surrounded by residential development within the urban boundaries of the Goleta Valley. As discussed in Section 6.1 of the Planning Commission staff report dated November 18, 2011, herein incorporated by reference, the project would meet all County Fire Department standards for access and defensibility. The project includes improvements to the lower portion of San Antonio Creek Road in order to enhance its functionality as an emergency evacuation route. These improvements would help to improve emergency evacuation opportunities in the neighborhood and offset any potential impacts to public safety from the increase in population and residents requiring evacuation. The project site is located outside of the flood zone and the project would not create hazards to life or property from floods, fire, or other catastrophes.

2.2.6 Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation.

As discussed in Section 6.2 of the Planning Commission staff report dated November 18, 2011, herein incorporated by reference, the project as conditioned conforms to the County's

Comprehensive Plan, including the Goleta Community Plan. There are no state highways adjacent to the project site that would be affected by the development.

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

There are no lots created as a result of the project that have a depth to width ratio in excess of 3 to 1.

2.2.8 Subdivision designs with lots backing up to watercourses.

The subdivided lots would not back up to any watercourse as there are no watercourses adjacent to the project site.

2.2.9 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.

As discussed in Section 6.2 of the staff report dated November 18, 2011, herein incorporated by reference, the project as conditioned conforms to the County's Comprehensive Plan, including the Goleta Community Plan. As discussed in Section 6.3 of the Planning Commission staff report dated November 18, 2011, herein incorporated by reference, the project as conditioned conforms to applicable requirements of the County Land Use & Development Code, with the requested incentives as permitted under the State Density Bonus Program. The Tentative Map and Chapter 21 findings included herein are evidence of the project's consistency with the Subdivision Map Act and Chapter 21.