

Attachment 6:

Staff Memorandum dated September 29, 2006

ATTACHMENT 6
SANTA BARBARA COUNTY
PLANNING AND DEVELOPMENT
MEMORANDUM #2

TO: Planning Commission

FROM: John Zorovich (934-6297)
Development Review Division, North

DATE: September 29, 2006

RE: Northpoint Project; Case Number 98-DP-023

I. Introduction

This is the second memorandum provided by staff to the Planning Commission for the Northpoint project. The first memorandum was given to the Planning Commission at the September 13, 2006 hearing and included suggested changes to conditions of approval #13 and #25. At the September 13, 2006 hearing regarding the project, your Commission received public comments and continued the item to October 11, 2006 in order to give the applicant and the existing Northpoint Homeowners Association some time to resolve the issue of whether the proposed project would annex to the existing HOA, form its own HOA or some combination thereof.

II. CEQA

During the September 13, 2006 hearing, the Planning Commission requested that an entire copy of the original project EIR (78-EIR-09) be provided to them. In addition, Commissioner Cooney questioned whether the CEQA 15162 determination, provided by staff, was appropriate for the project considering the amount of time that has lapsed since the project was originally considered. To address the CEQA concerns expressed by Commissioner Cooney, staff, in consultation with county counsel, prepared an addendum for the Northpoint project. The Addendum concluded that neither major nor minor revisions to the previous documents are required because there are no new significant environmental effects nor is there an increase in the severity of any previously identified significant effect as the result of the project or new information. The project proposes the same uses at the same density that was previously analyzed. Therefore, an addendum would be appropriate for the proposed development plan. Copies of the original EIR and Addendum are attached.

III. Homeowner's Association Meetings

At the September 13th hearing, the Planning Commission also directed the applicant to work with the existing Northpoint Homeowner's Association to seek a possible solution to the HOA annexation issue. Staff contacted the applicant and although the two parties had not met as of the writing of this memo, a meeting was scheduled for October 2, 2006.

IV. Proposed Revisions to CEQA Findings 1.1 and 1.2

Staff recommends the following changes to CEQA findings 1.1 and 1.2. Additions and deletions are depicted in underline and strikeout format, respectively.

- 1.1 Finding that Sections 15183, 15162 and 15164 of the State CEQA Guidelines applies to the Northpoint Unit III, Phase IV, 98-DP-023. CEQA Sections 15162 and 15164 allows 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. As discussed in Section 6.1 of the staff report and the addendum, 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. In addition, because there are no identified impacts peculiar to the project it is exempt pursuant to CEQA Guidelines section 15183.
- 1.2 The Planning Commission ~~may finds~~ that the previous environmental documents 78-EIR-9 and 92-SD-2 and the Addendum for the Northpoint Village and Phase IV may be used to fulfill the environmental review requirements of Northpoint Unit III, Phase IV, 98-DP-023. No impacts previously found to be insignificant are now significant. The changes to the number of bedrooms and the increase in parking do not change the conclusions of the environmental documents. Taken together, the original environmental documents and this addendum ~~determination~~ fulfill the environmental review requirements of the current project and reflects the independent judgment of the Planning Commission. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a supplemental or subsequent ~~new~~ EIR is not necessary

V. Proposed Revision to Condition #1

The project description incorrectly notes that several of the residential units would be one-story. All of the homes proposed by the applicant have always been two-story. As a result, staff recommends the following clarification to the third sentence located in the second paragraph of condition #1.

A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The size of the units would range from 1,671 sq. ft. (2 bedrooms) to 1,810 sq. ft. (3 bedrooms) and all units would have an attached two car garage. The maximum height of the two story buildings would be range from 20 feet (one-story) in height to 30.5 feet (two-story). The structures would cover 25.2% (35,220 sq. ft.) of the total 3.21 acre site.

VI. Recommendation and Procedures

Follow the procedures outlined below and approve Case No. 98-DP-023 based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings, as revised.
2. Accept the Environmental Impact Report 78-EIR-9, Supplemental Document 92-SD-02, and the Addendum as adequate for this project and adopt the mitigation monitoring program contained in the conditions of approval.
3. Approve 98-DP-023 subject to the conditions included as Attachment B, as revised.

If the Planning Commission takes other than the recommended action, refer back to staff for appropriate findings and conditions.



County of Santa Barbara
Planning and Development
John Baker, Director
Dianne Meester Black, Assistant Director

TO: Decision-Makers

FROM: Larry Appel, Supervising Planner
Development Review Division, North
Staff Contact: John Zorovich, Planner III 934-6297

DATE: September 29, 2006

RE: CEQA Determination: Finding that CEQA section 15164 (Addendum) applies to Northpoint Unit III, Phase IV project, 98-DP-023. CEQA section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result and none of the conditions described in Section 15162 calling for the preparation of a subsequent or supplemental EIR or Negative Declaration have occurred. The Orcutt Community Plan EIR (95-EOR-01), the original Environmental Impact Report, 78-EIR-09, and Supplemental Document 92-D-2 prepared for the development of thirty two residential units, are hereby amended by this 15164 letter for 98-DP-023.

Location: Assessor Parcel Numbers 107-560-001 through 107-560-033. The project is located east of Hummel Drive, south of Foster Road, north of Union Valley Parkway in the existing development of Northpoint Village, Orcutt area, Fourth Supervisorial District.

Project Description: Request for approval of a Final Development Plan to construct 32 (2 and 3 bedroom) townhouse condominiums on previously recorded lots (TM 12,414) and one common lot. A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The structures would cover 25.2% (35,220 s.f.) of the total 3.21 acre site. A total of 82 parking spaces would be provided for a ratio of 2.56 spaces per unit. Water and sewer service are to be provided by the Golden State Water Company, and Laguna County Sanitation District, respectively. Public road access would come from Hummel Drive, to two proposed private drives (24 ft. wide) that provide access to the residential driveways. Drainage for the site would be directed toward the existing retention basin.

Background: The 32 units were originally approved in 1979 as Phase IV of a six phase, 219 unit condominium project under 82-DP-3. This is the last phase of the six phase development. At the time building footprints were recorded for each lot and the open space lot through TM12, 414. Environmental Impact Report 78-EIR-09 and Supplemental Document 92-SD-02, dated July 2, 1992, analyzed possible environmental impacts associated with the map and the development plans for each phase. These documents found that there were significant and unavoidable impacts to public services in the area of local schools. A settlement agreement between the applicant and the school districts provided that since Tract 12,414 was recorded prior to implementation of school fees and construction of the overall project had started, the Northpoint Village development project would not be subject to payment of school fees. These documents found that there were no significant adverse impacts associated with the following

after implementation of mitigation measures: noise, geologic process, air quality, solid waste, aesthetics/visual resources water resources and transportation/circulation.

Final Development Plan 92-DPF-017 for Phase IV of TM 12,414 was approved by the Board of Supervisors on September 1, 1992. A statement of overriding considerations was approved for the project.

In 1997, the Board approved the Orcutt Community Plan which included TM12414. The Orcutt Community Plan EIR (95-EIR-01 analyzed the build out of the Orcutt Planning Area; the proposed project was included as part of the environmental setting of the OCP EIR.

Pursuant to Section 35-317.9, Development Plan 92-DPF-017 expired on September 1, 1998. The 32 unit project, Phase IV, is now being reprocessed as Case No. 98-DP-023 and corresponds to Case No. 92-DPF-017 except the four bedroom units have been replaced by two and three bedroom units. The development is consistent with recorded Tract 12,414 as it relates to the Phase IV area.

Change in Project: The applicant is proposing to replace the four-bedroom units with two and three-bedroom units. In addition, the applicant is proposing to reduce the amount of parking from 85 to 82 parking spaces.

Changes in Project Impacts:

No change was found in project impacts, and all impacts remain mitigable to less than significant levels. All issue areas analyzed in the previous environmental document were evaluated for the current project, based on the Santa Barbara County Thresholds and Guidelines for the implementation of the California Quality Act (CEQA). A discussion of water resources, transportation/circulation, air quality, noise, and aesthetics is provided below. Mitigations identified in the prior environmental Impact Report (78-EIR-09) and Supplemental Document (92-SD-02) to reduce impacts to less than significant levels are retained and included here.

TRANSPORTATION/CIRCULATION: The following analysis updates the prior traffic assessment. The replacement of four bedroom units with two and three bedroom units is not projected to increase average daily trips (ADT) and peak hour trip (PHT) per day to adjacent roadways. Area streets are adequately designed to accommodate the slight reduction in bedroom units, and the closest major intersection, Foster Road/S.R. 135, is operating at level of service (LOS) C. The replacement of four-bedroom homes with two and three-bedroom homes (with the corresponding reduction in overall bedrooms of the entire project) would likely result in even less traffic impacts than what was originally estimated. Therefore, impacts to transportation/circulation would remain less than significant.

AIR QUALITY: The site is level and minimal grading will be required to construct the project building. Compliance with Air Pollution Control District standard dust mitigation conditions would reduce potential short-term impacts to a less than significant level. There is no change to project impacts from the revised project. No significant effect will result and no mitigation is required; therefore impacts to air quality will remain less than significant.

AESTHETICS: The replacement of four bedroom residential units with two and three bedroom residential units would occur in an area already identified for development. As a result, visual impact are comparable to the existing Northpoint project. The design is architecturally compatible with existing structures and surrounding buildings. The changes to the project would not result in a change in impact level from that identified in the prior environmental documents prepared for the project. Aesthetic impacts would remain less than significant.

NOISE: The original project EIR determined that there was a potential for short-term construction related noise impacts to existing residences associated with the operation of large grading equipment. The EIR also identified long-term noise impacts associated with the project's proximity to the Santa Maria Airport and the airport approach zone. Mitigation measures that limit construction hours and recordation of an Avigation Easement for each of the lots were found to reduce the project's noise impacts to adverse but not significant. It is important to note that the change in project description does not result in any changes to project impacts or mitigation from the prior Environmental Impact Report or Supplemental Document. Noise impacts would remain less than significant.

WATER RESOURCES: A Can and Will Serve Letter has been issued by Golden State Water Company, (formerly California Cities Water Company) for the entire Tract Map of Northpoint. Due to the long history of the project, water service had already been allocated and established prior to the implementation of the Orcutt Community Plan. It is likely that the replacement of four-bedroom homes with two and three-bedroom homes would ultimately result in even less water than what was originally estimated. Therefore, impacts to water resources would remain less than significant.

GEOLOGY: Short-term impacts to geology were identified with respect to vibrations from heavy equipment during project grading. Due to the relatively minor amount of grading (approximately 2,350 cubic yards (balanced cut/fill)), the impact to adjacent residents would be limited to 7-10 days at the most and therefore considered less than significant. The replacement of four bedroom residential units with two and three bedroom residential units would occur in an area already identified for development. As a result, impacts to geological resources would remain less than significant.

PUBLIC SERVICES (SCHOOLS): The Supplemental Document (92-SD-02) prepared for the project concluded that the project's impacts to schools would be unmitigated (Class I impact). A settlement agreement between the previous developer and the school district stated that since TM 12,414 was recorded prior to implementation of school fees, the Northpoint Village development project would not be subject to payment of school fees. A statement of overriding considerations was approved for the project. Tract Map 12,414 was recorded prior to the implementation of the school fees mitigation program and therefore, fees cannot be assessed.

Changes in circumstance and CEQA Sections 15162 and 15183: CEQA is clear that no further environmental review is necessary for a project when the conditions of 15162 are met. Section 15162 of the State CEQA Guidelines gives the criteria where a previously certified EIR can be used and when a subsequent or supplemental EIR should be prepared. In addition, Section 15183 of the State CEQA Guidelines mandates that all projects consistent with the development density established by Community

Plan policies for which a an EIR was certified need no further environmental review except those impacts peculiar to the project or not analyzed in the original EIR.

Subsequent to the certification of 78-EIR-09 and 92-SD-02 several projects have been approved in the Orcutt planning area, including the extension of Union Valley Parkway. The Parkway, although a change in circumstance, has improved traffic in the area as have several other traffic improvements; the recent approval of several subdivisions in the area is not considered a change in circumstance because the project was included in the environmental setting and assumed to have been built before these approvals. The applicant is proposing minor revisions to replace the four-bedroom units with two and three-bedroom units. In addition, the applicant is proposing to reduce the amount of parking from 85 parking spaces to 82 parking spaces. Therefore, neither major nor minor revisions to the previous documents are required because there are no new significant environmental effects nor is there an increase in the severity of any previously identified significant effect as the result of the project or new information..

No new mitigation measures or alternatives have been identified, and, no new substantial changes to the project, the project site, the project setting, or circumstances surrounding the project that would require further environmental analysis. CEQA Guidelines Section 15162 applies and additional environmental review would therefore be prohibited.

This document, together with the 78-EIR-09 and 92-SD-02, is intended to inform decision-makers and the general public of the potentially significant environmental effects of the proposed Northpoint Development Plan and the mitigation measures that have been identified to minimize those effects to the extent feasible.

The Orcutt Community Plan was adopted in 1997; because the map for this project site was recorded in 1982 the build out of all six phases of Northpoint was considered part of the baseline in all impact areas analyzed in the OCP EIR. No impacts peculiar to the project have been identified and therefore the project is exempt as a matter of law pursuant to section 15183.

Findings:

It is the finding of the Planning Commission that the previous environmental documents as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164 and none of the conditions described in section 15162 have occurred, preparation of an EIR or Negative Declaration is not required.