

ATTACHMENT 3: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED [PER CEQA SECTION 15168(c) AND 15162]

CONSIDERATION OF THE SUPPLEMENTAL DOCUMENT AND FULL DISCLOSURE

The Board of Supervisors has considered the Supplemental Document (Attachment 6 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference, together with the previously certified Environmental Impact Report (Attachment 7 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference, for the Bell Street Ordinance Amendment and Mixed-Use project. The Supplemental Document reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Supplemental Document, together with the Los Alamos Community Plan Update EIR (Attachment 7 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference, is adequate for this proposal. On the basis of the whole record, including the Supplemental Document and the LACP EIR and any public comments received, the Board of Supervisors finds that the project changes described in the Supplemental Document are only minor technical changes or additions. As discussed in Section 6.1 of the Planning Commission staff report (Attachment 2 of the Board Agenda Letter dated February 27, 2018), 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 (Attachment 7 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference; 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 FINDINGS ADDRESSING SUPPLEMENTAL DOCUMENT ISSUE AREAS

The Supplemental Document prepared for the project, dated November 22, 2017 addresses the following issues: Cultural Resources, Flooding and Water Resources, Aesthetics/ Visual Resources, Biological Resources, Transportation and Circulation, Land Use, Wastewater, Agricultural Resources, Public Services, Air Quality, Noise, and Hazardous Materials/ Risk of Upset. The Supplemental Document dated November 22, 2017, herein incorporated by reference, finds that the LACP EIR (Attachment 7 of the Board Agenda Letter dated February 27, 2018), herein incorporated by reference, 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 Planning Commission staff report dated November 22, 2017, herein incorporated by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15168(c) and 15162: there are no substantial changes proposed in the project which will require major revisions to the EIR (Attachment 7 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference; 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 ORDINANCE AMENDMENT

Findings Required for Approval of Amendments (§ 35.104.060).

An application for an Amendment to the Comprehensive Plan, Land Use and Development Code (LUDC), or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment.

A. Findings for Comprehensive Plan, Development Code and Zoning Map Amendments.

2.1.1 The request is in the interests of the general community welfare.

The Amendment would modify the CM-LA zoning regulations of the LUDC to allow residential development on all floors of buildings that abut (1) a secondary street on a lot without a Bell Street front line; and/or (2) a through street. The proposed Ordinance Amendment is in the interests of the general community welfare because it would provide consistency with the Bell Street Design Guidelines and the LUDC's development standards for the CM-LA zone with regard to where residential units are allowed. In addition, the Ordinance Amendment would provide flexibility by allowing housing on both the first and second floors of buildings that are situated in certain locations. The density standard provided in the CM-LA zone section of the LUDC (a residential use shall not exceed two bedrooms per 700 square feet of gross floor area of commercial development on the same lot) already encourages a balance of commercial and residential uses along Bell Street. With the approval of this Ordinance Amendment, housing would be encouraged in locations that are adjacent to existing residential uses and within walking distance to the community's commercial core along Bell Street. Therefore, with the approval of this Ordinance Amendment, mixed-use development along Bell Street would continue to be encouraged. Furthermore, the project will increase sales and property tax revenues to the County. Therefore, the request is in the interests of the general community welfare.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the proposed project is consistent with the County's Comprehensive Plan, including but not limited to, the Los Alamos Community Plan and the Land Use Element, and State planning and zoning laws. As discussed in Section 6.0 of the Planning Commission staff report (Attachment 2 of the Board Agenda Letter dated February 27, 2018), incorporated herein by reference, the project includes an Ordinance Amendment that proposes modifying the CM-LA zoning regulations of the LUDC to allow for dwelling units on all floors of buildings with a building front line that abuts (1) a secondary street on a lot without a Bell Street front line; and/or (2) a through street. With the approval of this Ordinance Amendment, the proposed project would comply with the CM-LA zone standards set forth in the LUDC.

2.1.3 The request is consistent with good zoning and planning practices.

Amending Section 35.24.070 of the LUDC would allow the project to be developed with mixed-use commercial/residential development consistent with the goals and policies of the Los Alamos Community Plan. In addition, the project would include residential development located adjacent to, and compatible with, existing residential development. Therefore, the project is consistent with good zoning and planning practices as it is consistent with local and state planning regulations, as stated above in these Findings, including but not limited to Finding 2.1(A)(2).

2.2 SUBDIVISION MAP ACT FINDINGS

A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Bell Street Mixed-Use Tentative Tract Map, Case No. 16TRM-00000-00002/TRM 14,821.

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

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 design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

2.2.2 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 Section 65450) or Chapter 3 of Division 1.

The proposed project is consistent with the policies of the Santa Barbara County Comprehensive Plan, including the Los Alamos Community Plan, as discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference. Therefore, the project is consistent with this finding.

2.2.3 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. That the proposed map is not consistent with applicable general and specific plans as specified in Section 66451.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, with the implementation of the conditions of approval for the tentative map, the proposed project is consistent with the policies of the Santa Barbara County Comprehensive Plan, including but not limited to, the Los Alamos Community Plan and the Land Use Element. Therefore, the proposed project is consistent with applicable general and specific plans as specified in Section 66451, and this finding cannot be made.

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

As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the map is consistent with all applicable policies of the Comprehensive Plan and the Los Alamos Community Plan. Therefore, the proposed project is consistent with the applicable Comprehensive Plan and the Los Alamos Community Plan, and this finding cannot be made.

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

Development proposed on the subject parcel would consist of one commercial building and four residential units total. Total development would consist of approximately 12,143 square feet (gross) of development. The 0.46-acre project site is sufficient in size to

accommodate the proposed mixed-use development. Access to the site would be provided from St. Joseph Street via a new 22-foot wide driveway. As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the proposed development complies with the requirements of the Comprehensive Plan, including the Los Alamos Community Plan. In addition, the development proposal would comply with the CM-LA zoning regulations of the LUDC upon approval of the proposed Ordinance Amendment. Therefore, the site is physically suitable for the type of development proposed, and this finding cannot be made.

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

The subject parcel is physically suited for the proposed development, including adequate parking and landscape areas. The property is surrounded by other commercial and residential uses of similar densities. In addition, the proposal complies with Section 35.24.070.D.1 of the LUDC regarding the residential density requirement of “two bedrooms per 700 square feet of gross floor area of commercial development on the same lot.” Furthermore, to ensure neighborhood compatibility, the proposed project is conditioned to be reviewed and receive preliminary and final approval by the Central Board of Architectural Review (CBAR) prior to Zoning Clearance (Attachment B.2, Condition No. 3, of the Planning Commission staff report dated November 22, 2017). Therefore, the site is physically suited for the proposed density of development, and this finding cannot be made.

e. That 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.

As discussed in Section 6.1 of the Planning Commission staff report dated November 22, 2017, the proposed project would consist of the construction of one commercial building and four residential units total. Grading for the site would be required for site preparation for the new units. Grading would consist of 300 cu. yd. of cut, and 180 cu. yd. of fill. The remaining 120 cu. yd. of excess material would be exported offsite. The project would result in the removal of four existing sycamore trees and the preservation of two existing sycamore trees. As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the trees that are proposed for removal do not have an unusual scenic quality, do not have historic value, and do not provide important wildlife habitat.

The project site is not located in an area with a particularly sensitive environment or in an area with any mapped or designated environmental resource of hazardous or critical concern. No impacts to endangered, rare, or threatened species are anticipated with the proposed project. As discussed in the CEQA Supplemental Document (Attachment 6 of the Board Agenda Letter dated February 27, 2018), the project does not have the potential to result in significant environmental impacts to the environment. As a result, the

proposed subdivision and development would not cause substantial environmental damage or injure fish or wildlife or their habitat. Therefore, this finding cannot be made.

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

The project site is located in a floodplain. However, adherence to the Flood Control District's requirements (Attachment B.2, Condition No. 13, of the Planning Commission staff report dated November 22, 2017), would ensure that all structures would have a finished floor located a minimum of one foot above the existing grade in order to minimize the potential for flood risk.

There are no identified or likely public health problems or hazards associated with future development of the proposed project. As evaluated in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, adequate water, utilities, and access are available to serve the proposed project. With the incorporation of conditions of approval from other departments, including Public Works Department, Project Clean Water Division, Flood Control District, Transportation Division, Air Pollution Control District, County Fire Department, and Community Services District, Parks Division (Attachment B.2, Condition No. 13, of the Planning Commission staff report dated November 22, 2017), the proposed development is not likely to cause serious public health problems. Therefore, this finding cannot be made.

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.

As discussed in Sections 4.0 and 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the project includes the abandonment of a six-foot portion of county road right-of-way along a portion of St. Joseph Street that fronts the project site. A covered walk is proposed in the area where this six-foot road right-of-way currently exists. The covered walk would provide one of three facades (Gallery Façade) that the LUDC and the Bell Street Design Guidelines encourage. The applicant's proposal to use a six-foot portion of St. Joseph Street would not affect the ability of the County to continue to provide services in this area of Los Alamos since the existing road and the remaining road right-of-way would be adequate to accommodate traffic in the community. Therefore, this finding cannot be made.

2.2.4 State Government Code §66474.4. The 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 finds 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, and if the legislative body finds that the land is subject to any of the following:

- a. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.**

The subject parcel is not subject to a contract entered into pursuant to the California Land Conservation Act of 1995, or any easements entered into pursuant to Section 51256.

- b. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 Division 1 of Title 5).**

The project is not subject to an open-space easement.

- c. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**

Division 10.2 of the Public Resources Code implements the Agricultural Lands Stewardship Program of 1995; Chapter 4 of this Division specifies the provisions of the Agricultural Conservation Easement. The subject parcel is not subject to an agricultural conservation easement. Therefore, these provisions do not apply.

- d. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.**

Chapter 4 of Part 2 of Division 2 of the Civil Code includes provisions for conservation easements. The subject parcel is not subject to a conservation easement. Therefore, these provisions do not apply.

2.2.5 State Government Code §66474.6. The governing body of any local agency shall determine whether the 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 Section 13000) of the Water Code.

As discussed in Section 6.2 of the Planning Commission staff report, dated November 22, 2017, incorporated herein by reference, the property is within the Los Alamos Community Services District (CSD) service area and the CSD would treat waste from the proposed development. Therefore, the proposed development would not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

2.3 TENTATIVE MAP FINDINGS – COUNTY CODE, CHAPTER 21

- A.** 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:

2.3.1 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.

The project includes a five-foot-wide easement dedication to the County along Waite Street, as well as abandonment of a six-foot portion of County road right-of way along a portion of St. Joseph Street that fronts the project site. As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, staff from the Public Works Department, Transportation Division has reviewed and approved the proposed easement dedication and abandonment. Therefore, this finding can be made.

2.3.2 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.

A proposed 22-foot wide pervious concrete private driveway off of St. Joseph Street would provide access to the property. The proposed St. Joseph Street six-foot abandonment would reduce the right-of-way width of the roadway from 80 feet to 74 feet. As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the existing and future traffic volumes on St. Joseph Street would be within the range specified in the County's design standards for Collector Streets, and the Bell Street/St. Joseph Street intersection would operate at an acceptable level of service. In addition, a traffic and circulation analysis (Attachment D of the Planning Commission staff report dated November 22, 2017) found that the proposed St. Joseph Street right-of-way abandonment would not result in additional traffic or parking impacts within Los Alamos. Therefore, this finding can be made.

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

As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the proposed project has been designed to minimize cut and fill operations to the maximum extent feasible. Grading for the site would be required for site preparation for the new units. Proposed grading would include approximately 300 cu. yd. of cut and 180 cu. yd. of fill. The remaining 120 cu. yd. of excess material would be exported offsite. Grading for the proposed project would not create steep slopes or great heights that are unsafe or unaesthetic. Therefore, this finding can be made.

2.3.4 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 work has occurred nor is any required for any street or buildable area prior to recordation of the map. In addition, the Tract Map is conditioned to require that the map be recorded prior to issuance of any permits for development including grading (Attachment B.1, Condition No. 13, of the Planning Commission staff report dated November 22, 2017). Therefore, this finding can be made.

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

The project site is not located in a designated high fire hazard area and the County Fire Department has provided only advisory conditions for future development (see Attachment B.2 of the Planning Commission staff report dated November 22, 2017). The development will be required to meet the Fire Department's standards for defensible space and water storage for fire suppression purposes. With regard to flooding, the project site is located in a floodplain. Pursuant to the Flood Control District's requirements (Attachment B.1, Condition No. 13, of the Planning Commission staff report dated November 22, 2017), all structures would have a finished floor located a minimum of one foot above the existing grade in order to minimize the potential for flood risk. Therefore, there is no potential creation of hazard to life or property from floods, fire, or other catastrophe and this finding can be made.

2.3.6 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 Sections 6.2 and 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the project is consistent with the County's Comprehensive Plan and the Los Alamos Community Plan. The subject parcel has frontage along State Route 135. However, the project would not conflict with or impact the alignment or condition of the highway. Therefore, this finding can be made.

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

The proposed one-lot subdivision for condominium purposes would not result in the lot having a depth to width ratio in excess of 3:1. Therefore, this finding can be made.

2.3.8 Subdivision designs with lots backing up to watercourses.

There are no watercourses in the proposed project area. Therefore, this finding can be made.

B. Pursuant to Chapter 21-8(d) 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 Tract Map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference. As discussed in those sections, the one-lot subdivision for condominium purposes (as modified by the conditions of approval) is consistent with the County's Comprehensive Plan, Los Alamos Community Plan, LUDC, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.2 above, incorporated herein by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.

2.4 LAND USE PERMIT FINDINGS

A. Findings required for approval. Pursuant to Section 35.82.110.E of the LUDC, a Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

2.4.1 The proposed development conforms:

a. To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and

As discussed in Section 6.2 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the proposed development is consistent with the County's Comprehensive Plan, including but not limited to the Los Alamos Community Plan and the Land Use Element. Therefore, this finding can be made.

b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

As discussed in Section 6.3 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, the project includes an Ordinance Amendment that would modify the CM-LA zoning regulations of the LUDC to allow for residential development on all floors of buildings that abut (1) a secondary street on a lot without a

Bell Street front line; and/or (2) a through street. With the approval of this Ordinance Amendment, the proposed development would comply with the development standards set forth in the LUDC. Therefore, this finding can be made.

2.4.2 The proposed development is located on a legally created lot.

As discussed in Section 5.5 of the Planning Commission staff report dated November 22, 2017, incorporated herein by reference, Certificate of Compliance No. 15-CC-30, which was recorded on February 17, 2016, verified that the 0.46-acre parcel (APN 101-181-001) was legally created. Therefore, this finding can be made.

2.4.3 The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement 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 Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

There is no existing structural development and no zoning violations exist on the subject property. Therefore, this finding can be made.

