ATTACHMENT 2
DPAM & MOD FINDINGS
Fuel Depot Addition and Site Improvements
180 North Fairview Avenue; APN 069-110-054
Case Nos. 22-00006-DPAM, 22-0004-MOD, and 23-0025-DRB

The Zoning Administrator finds that the findings set forth in Title 17, Section 17.52.070 (Findings of Approval) Common Findings, findings set forth in Title 17, Section 17.52.100.C.2 (Findings of approval) for a Development Plan Amendment, findings set forth in Title 17, Section 17.62.040 (Findings of approval) for a Modification, and associated CEQA findings can be made for approval based on the following reasons:

1.0 Common Findings

1.1 There are adequate infrastructure and public services available to serve the proposed development, including water and sewer service, existing or planned transportation facilities, fire and police protection, schools, parks, and legal access to the lot.

The project will continue to be served by the Goleta Water District, Goleta Sanitary District, the Santa Barbara County Fire Department, and the County Sheriff's Department. These agencies and districts have adequate infrastructure, personnel, and capacity to serve the project which is limited to an 839-square foot commercial addition without additional bathrooms, exterior changes, and site improvements. All necessary services are adequate and available to serve the proposed project as demonstrated by the will serve letters and conditions of approvals provided by the respective Agencies.

1.2 The proposed project conforms to the applicable regulations of this Title and any zoning violation enforcement on the subject premises has been resolved.

The Goleta Zoning Ordinance designates the property as Intersection Commercial (CI). As discussed in the Zoning Consistency Analysis section of the staff report dated September 7, 2023, incorporated herein by reference, both the proposed Development Plan Amendment (DPAM) and Modification (MOD) comply with the intent and purpose of all applicable requirements of the CI zone district and all applicable zoning regulations of Title 17. There are no zoning violations on site; therefore, this finding can be made.

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

The subject property is a legally created lot and is identified as Lot C of Tract No. 10,149 within the County of Santa Barbara, in the State of California, as shown on Page 87 of Parcel Map Book 1 recorded in the office of the Santa Barbara County Recorder.

1.4 The development is within the project definition of an adopted or certified CEQA document or is statutorily or categorically exempt from CEQA.

The proposed 839-square foot commercial addition, exterior changes, site improvements, and parking Modification to an existing gas station is categorically exempt from environmental review pursuant to CEQA Guidelines § 15301(e)(1) (Existing Facilities). The proposed development is located within an urbanized area within commercial land use and zoning designations. The applicant proposes an addition, exterior changes, site improvements, and a parking space located within a setback. Consistent with CEQA Guidelines § 15301(e)(1) (Existing Facilities), the project will result in a 2,458-square foot convenience market, which is less than a 50% addition to the existing convenience market and qualifies for the Existing Facilities exemption. Consistent with CEQA Guidelines § 15305 (Minor Alterations in Land Use Limitations), the proposed project takes place on a parcel with an average slope of less than 20%, does not result in any changes in land use or density, and does not result in the creation of a new parcel. Adequate services are available to serve the development as detailed in Finding 1.1. Further, the project is not located in an environmentally sensitive habitat area. Therefore, the project will not have a significant effect on the environment.

2.0 <u>Development Plan Amendment Findings</u>

2.1 The findings required for the original approval can still be made, including CEQA findings.

While the originally approved project (66-M-75) was evaluated under the previous zoning regulations (Article III, Chapter 35 of Santa Barbara County Code), which are no longer in use, all the original project conditions of approval will continue to be applied to the proposed project. The project also complies with the required findings of the current zoning ordinance, Title 17. The property would continue to be used as a gas station and convenience store as anticipated in the approved project, Case No.15-063-DP. Compliance with General Plan policies and Zoning Ordinance development standards would be substantially the same with implementation of the commercial addition, exterior changes, site improvements, and parking modification. Additionally, no environmental impacts would occur because of the proposed project.

2.2 The environmental impacts related to the proposed change are substantially the same or less than those identified for the previous approval.

The original project approved in 1966 occurred prior to the enactment of the California Environmental Quality Act. Therefore, this finding is not applicable in this instance.

3.0 Modification Findings

3.1 The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, without limitation, topography, noise exposure, irregular property boundaries, or other unusual circumstances.

The Modification is necessary due to the physical characteristics of the property and its existing use. The parcel's small size (0.28 acres), use as a gas station, and corner lot location provide a challenge for siting the required ADA parking space and safe path of travel. Both the north and west property lines mostly consist of driveways for vehicular access via Fairview Avenue and Encino Road. The southern property line is a continuation of paved area that accesses a parking lot for a small commercial complex while the eastern property line backs another commercial complex. The only viable location for the ADA parking space is along the northern property line, where it can be accessed via the entrances from Fairview Avenue or Encino Road while complying with ADA requirements for the existing building with its proposed addition. The ADA parking space needs to be placed near the front door and the proposed location provides the best location and shortest and safest path of travel to access the building. The proposed development and Modification will not change the allowed density of development onsite and will not change the permitted uses or intensify uses allowed by the General Plan land use designations of C-I and the zoning regulations C-I.

3.2 The Modification is minor in nature and will result in a better site or architectural design and/or will result in greater resources protection than the project without such Modification.

The proposed Modification would allow for a required ADA parking space to be located within the northern setback. Given the parcel's small size (0.28 acres), use as a gas station, and corner lot location, the developable area within the subject parcel is significantly constrained; therefore, the applicant's request to allow for a parking space location modification is minor in nature. Existing curbing in combination with existing and proposed landscaping will screen the proposed parking space from Encina Road, improve the streetscape appearance, and upgrade stormwater control measures on the property. On May 23, 2023, the DRB recommended preliminary approval of the project with the parking location modification based on good design. All the proposed and existing structures, including the proposed addition, comply with all setback requirements of the C-I zone district and the proposed Modification will result in an efficient use of site.

4.0 CEQA Findings

Pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq.: State CEQA

Guidelines), and the City's Environmental Review Guidelines, the project has been found to be exempt from CEQA under Sections 15301 and 15305 of the CEQA Guidelines and a Notice of Exemption is proposed.

The City of Goleta is acting as the Lead Agency for this project. The project has been found to be exempt from CEQA Guidelines per Sections 15301(e)(1) (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations). The proposed 839-square foot commercial addition, exterior changes, site improvements, and parking Modification to an existing gas station is categorically exempt from environmental review pursuant to CEQA Guidelines § 15301(e)(1) (Existing Facilities). The proposed development is located within an urbanized area within commercial land use and zoning designations. The applicant proposes an addition, exterior changes, site improvements, and a parking space located within a setback. Consistent with CEQA Guidelines § 15301(e)(1) (Existing Facilities), the project will result in a 2,458-square foot convenience market, which is less than a 50% addition to the existing convenience market and qualifies for the Existing Facilities exemption.

Consistent with CEQA Guidelines § 15305 (Minor Alterations in Land Use Limitations), the proposed project takes place on a parcel with an average slope of less than 20%, does not result in any changes in land use or density, and does not result in the creation of a new parcel. Adequate services are available to serve the development as detailed in Finding 1.1. Further, the project is not located in an environmentally sensitive habitat area. Therefore, the project will not have a significant effect on the environment.

Moreover, none of State CEQA Guidelines section 15300.2's exceptions to the Existing Facilities exemption apply to the project. The exception set forth in State CEQA Guidelines section 15300.2(a), by its own terms, does not apply to projects that fall within the 15301 or 15305 exemptions; moreover, the project will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted pursuant to law by federal, state, or local agencies. Section 15300.2(b)'s exception, relating to cumulative impacts, does not apply as technical reports in the record of proceedings demonstrate that the project would not result in significant cumulative impacts; moreover, there are no other successive projects of the same type in the same place that could result in significant cumulative impacts. Section 15300.2(c)'s exception does not apply because there are no "unusual circumstances" that apply to the project; construction of commercial buildings as a less than 50% addition on commercially zoned land next to existing development and a parking location modification on an area with an average slope of less than 20%, which does not result in any changes in land use or density does not constitute an unusual circumstance. Section 15300.2(d)'s exception does not apply because the project is not located near any scenic highways. Section 15300.2(e)'s exception does not apply because the project site and off-site improvement locations do not contain hazardous waste and are not on any list compiled pursuant to Section 65962.5 of

the Government Code. Finally, Section 15300.2(f)'s exception does not apply because the project has no potential of causing a substantial adverse change in the significance of a historical resource. Additionally, the project's site does not contain any identified significant cultural resources and will be conditioned to include all mandatory grading best practices.

This project is exempt from further review under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.). Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines Sections 15301(e)(1) (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations). As indicated above, the proposed development on a lot with slopes less than 20% in conjunction with a parking space location modification will not result in the creation of a new parcel. The property has adequate services to serve the proposed development. Further, the project is not located in an environmentally sensitive habitat area. Therefore, the project will not have a significant effect on the environment.