

# **ATTACHMENT A: FINDINGS**

## **1.0 CEQA FINDINGS**

The County Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e) [New Construction]. Please see Attachment B, Notice of Exemption for more details.

## **2.0 ADMINISTRATIVE FINDINGS**

**2.1 Development Plan Findings (Section 35-174.7).** The following findings must be made for approval of a Development Plan:

***a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.***

The approximately 1.2-acre project site is adequate in size, shape, location and physical characteristics to accommodate the proposed development and use of a public park, including a new public restroom. Ample space is available on the site for the proposed open space areas, pathways, seating areas, restrooms and bicycle parking. A barrier fence, with appropriate signage alerting park users of the location of the bluff edge, would be located approximately 5 feet from the bluff top to ensure that users of the park are aware of the location of the bluff edge and do not fall over it. The fence would be retracted and re-installed as needed due to bluff erosion. The park's location on the bluff top would host passive recreational uses such as sight-seeing, as well as a limited amount of informal active recreation in the open turf area. Therefore, this finding can be made.

***b. That adverse impacts are mitigated to the maximum extent feasible.***

The project would not create any adverse environmental impacts and is appropriate for exemption from environmental review under State CEQA Guidelines Section 15303(e). An exemption is included as Attachment B to the staff report dated July 8, 2009 and incorporated herein by reference. Further, the project has been conditioned to be consistent with applicable policy and ordinance direction as discussed in Sections 6.2 & 6.3 of the staff report dated July 8, 2009 and incorporated herein by reference. Therefore, this finding can be made.

***c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***

The surrounding street network would be adequate to serve the proposed use of the site as a public park as discussed in Section 6.2 of the staff report dated July 8, 2009 and incorporated herein by reference. Because the surrounding community is comprised almost entirely of University students, the majority of future park users would travel to the park by walking or by bicycle. Therefore, this finding can be

made.

- d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.***

Adequate public services exist to serve the proposed project as discussed in Section 6.2 of the staff report dated July 8, 2009 and incorporated herein by reference. The park would be served by the County Fire Department, the Goleta Water District and the Goleta West Sanitary District. Access will be provided directly from Del Playa Drive. Existing police protection services in the Isla Vista area, provided by the IV Foot Patrol, would be adequate to serve the proposed project. Therefore, this finding can be made.

- e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.***

The use of the site for the proposed park will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. By providing public amenities such as restroom facilities and recreational areas, the project would actually contribute to the health, comfort, convenience and general welfare of the neighborhood. Additionally, the restroom doors would face directly toward Del Playa Drive and be accompanied by security lighting to ensure that potentially nefarious activities would be minimized to the maximum extent feasible. A barrier fence would be located approximately 5 feet from the bluff top to redirect users of the park away from the bluff edge thereby minimizing potential hazards to the maximum extent feasible. Irrigation of the bluff top area would be controlled and monitored by moisture sensors to ensure that irrigation levels are appropriate and would not contribute to erosion of the onsite coastal bluff. The park would be compatible with the surrounding neighborhood with landscape screening adjacent to residential uses as discussed in Section 6.2 of the staff report dated July 8, 2009 and incorporated herein by reference. Therefore, this finding can be made.

- f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.***

The project is in conformance with the applicable provisions and policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan as discussed in Sections 6.2 & 6.3 of the staff report dated July 8, 2009 and incorporated herein by reference. Therefore, this finding can be made.

- g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.***

The project site is not located in a rural area. Therefore, this finding is not applicable.

- h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.***

There are no easements for public access through the subject property. However, the project would develop a new public park on a previously vacant site. Once the project is developed, the public would have access to the entirety of the site, with the exception of the 5-foot area excluded by a barrier fence directly adjacent to the coastal bluff (for increased safety reasons). Therefore, this finding can be made.

**2.2 Coastal Development Permit Findings.** Findings required for Coastal Development Permits approved concurrent with a Conditional Use Permit and/or Final Development Plan for development that is appealable to the Coastal Commission.

- a. The proposed development conforms:***

- (1) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;***
- (2) The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).***

The project is in conformance with the applicable provisions and policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan as discussed in Sections 6.2 & 6.3 of the staff report dated July 8, 2009 and incorporated herein by reference. Therefore, this finding can be made.

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

The subject lots were created as lot numbers 26-40 of the Por Rancho Los Dos Pueblos Isla Vista Tract as shown in R.M. Book 15, pages 81-83 and recorded on November 10, 1925. Therefore, this finding can be made.

- c. 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 subject property is currently in compliance with all laws, rules and regulations pertaining to Article II as it is currently vacant. The proposed project is consistent with all requirements of Article II including setbacks, height and parking as discussed in Section 6.3 of the staff report dated July 8, 2009 and incorporated herein by reference. Therefore, this finding can be made.

***d. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

The proposed project has been designed, and would be developed to protect existing public views of the coast through the site. Trees would be planted along the eastern and western property lines to screen the site from adjacent residential buildings but the remainder of the site would be planted with low-lying shrubs and ground covers that would afford direct views from the site to the Channel Islands. The restroom structure would be located in the northwestern corner of the property to maximize the site's open space and avoid blocking existing view corridors through the site from Del Playa Drive. Development of the site, including the placement of stone benches and a blufftop pathway would act to encourage the public to take advantage of the inspirational views of the Pacific Ocean and Channel Islands the property has to offer. No structural development is proposed in the southern portion of the site and, as such, the project would not affect public views along the coast. Therefore, this finding can be made.

***e. The proposed development will be compatible with the established physical scale of the area.***

As discussed in Section 6.2 of the staff report dated July 8, 2009 and hereby incorporated by reference, the proposed project would be compatible with the established physical scale of the surrounding neighborhood. The proposed project comprises the development of a public park including the construction of a small restroom structure (approximately 200 square feet) and a comprehensive site landscape plan. The surrounding neighborhood is predominantly residential and would benefit from the development of recreational and open space area. Therefore, this finding can be made.

***f. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.***

As discussed in Section 6.2 of the staff report dated July 8, 2009 and hereby incorporated by reference, the project will comply with public access and recreation policies of Article II and the Comprehensive Plan including the Coastal Land Use Plan. There are no easements for public access through the subject property. However, the project would develop a new public park on a previously vacant site. Once the project is developed, the public would have access to the entirety of the site, with the exception of the area directly adjacent to the coastal bluff (for safety reasons). Therefore, this finding can be made.