

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED : (per CEQA SECTION 15162)

A Mitigated Negative Declaration (12NGD-00000-00011), Attachment D of the Staff Report dated September 5, 2017, was adopted by the Planning Commission on September 12, 2012. The project was evaluated in the Mitigated Negative Declaration, and mitigation measures were incorporated into the project by the Planning Commission.

CEQA Section 15162 states that when an EIR has been certified for a project or a ND has been adopted for a project, no subsequent EIR or ND shall be prepared unless the County determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Planning Commission finds that the previous environmental document prepared for the project, Mitigated Negative Declaration (Case No. 12NGD-00000-00011), may be

used to fulfill the environmental review requirements for this project, a Time Extension (Case No. 17TEX-00000-00013) to a Conditional Use Permit (Case No. 10CUP-00000-00036). The requested time extension does not propose any changes in the project or to the circumstances under which the project is undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project, as noted in Section 6.1 of the staff report, dated September 5, 2017, and incorporated herein by reference. Therefore, the Planning Commission finds that no new CEQA document is required and that the project time extension does not trigger subsequent environmental review under State CEQA Guidelines Section 15162.

1.2 FULL DISCLOSURE

The Planning Commission finds and accepts that the Mitigated Negative Declaration dated September 5, 2012 constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and accepts that the Mitigated Negative Declaration has been completed in compliance with CEQA.

1.3 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 Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

2.0 ADMINISTRATIVE FINDINGS

Findings required for a Conditional Use Permit Time Extensions: In compliance with Subsection 35.84.030.D.1.a(6) of the County Land Use and Development Code, (Time Extensions for Conditional Use Permits) a time extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82-080.E (findings required for approval) that were made in conjunction with the initial approval of the case can still be made.

2.1 The request of the time extension is timely;

The application for a time extension was submitted on June 30, 2017 prior to the expiration of the original approval (September 24, 2017). Therefore, this finding can be made.

2.2 good cause is shown;

Good cause has been shown by the applicant for the requested Time Extension as detailed in the application submittal, included as Attachment E to the staff report, dated

September 5, 2017 and incorporated herein by reference. The applicant states in their request that substantial physical construction has not commenced due to difficulties procuring funding from the airport board and negotiating contracts for tenant improvements. In order to comply with Condition No. 15 of the Conditional Use Permit, a time extension is required for the project. Therefore, this finding can be made.

2.3 and, that all original findings that could made at the time of project approval can still be made.

As noted in Sections 5.0 and 6.0 of the staff report for the project, Case No. 17TEX-00000-00013, dated September 5, 2017 and incorporated herein by reference, the project description has not changed. The analysis in Section 6.2 and 6.3 of the staff report, dated September 5, 2017, and the previous staff report and findings dated August 23, 2012 (Attachment C), both incorporated herein by reference, demonstrate that the project is consistent with the policies in the Comprehensive Plan and the Santa Ynez Valley Community Plan, and that the original findings can still be made. Lastly, all conditions of approval of the previously approved project remain applicable and unchanged since the original September 12, 2012 approval of Case No. 10CUP-00000-00036. Therefore, this finding can be made.