

ATTACHMENT A
FINDINGS OF APPROVAL
The IHOP Substantial Conformity Determination
7127 Hollister Avenue; APN 073-440-012
Case No. 21-0003-SCD

The Planning and Environmental Review (PER) Director has reviewed the Substantial Conformity Determination (SCD) application materials, staff analysis and recommendations for Case No. 21-0003-SCD. Based on substantial evidence derived from consideration of the entire record, the PER Director has determined that the following findings for approval can be made pursuant to Goleta Municipal Code, Title 17 Zoning Ordinance Sections 17.52.100 (B) Changes to Prior Permits and Approvals.

1. 17.52.100(B)(1)(a) Minor Changes to approved Development

Pursuant to Title 17, Section 17.52.100(B)(1)(a), the Director makes the following Development Thresholds:

- 1.1 *The change will not result in an increase of 1,000 square feet or more than 10 percent of building coverage of new structures over total previous Permit or Plan approval, whichever is less.*

The proposed project involves the building façade and the addition of 339 square feet of new interior space (patio enclosure and refrigeration/storage area), which is under the 1,000 square feet and less than 10 percent of building coverage threshold.

- 1.2. *The change will not result in an overall height, which is greater than 10 percent above the previous Permit or Plan approval height.*

No change in building height is proposed as the new 339 square feet is being constructed under the existing roofline of the existing the building.

- 1.2 *The change will not result in more than 1,500 cubic yards of new cut and/or fill in the Inland Area (50 cubic yards in the Coastal Zone) and avoids slopes of 30 percent or greater unless these impacts were addressed in the environmental analysis for the project; mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed.*

No new grading is proposed with the project.

- 1.4. *The project is located within the same general location as, and is topographically similar to, approved plans. The location must not be moved more than 10 percent closer to a property line than the originally approved Permit or Plan.*

All the building and site changes are staying within the original location under the existing roofline.

- 1.5 *The project has not been the subject of substantial public controversy, nor is there reason to believe the change is likely to create substantial public controversy.*

The project has been reviewed at a public hearing held for design review and notices were mailed out to owners and tenants within a 500' radius. No public comments were received and the minor changes will likely not generate public interest or controversy.

2. 17.52.100(B)(2) Common Procedures, Changes to Prior Permits and Approvals

Pursuant to Title 17, Section 17.52.100, the Director makes the following Changes to Prior Permits and Approval Findings for Substantial Conformity Determination:

- 2.1. *The findings required for the original approval must be re-made.*

The findings associated with Case No. 89-DP-002 can be made for the proposed project as the site is currently served by adequate public services, including the Santa Barbara County Fire Department, Goleta Water District, Goleta West Sanitary District, Southern California Edison, and Santa Barbara County Sheriff. This SCD would not have an effect on the adequacy of these services as these services, including affected streets and highways, are already being provided and the proposed increase in the 339 SF restaurant area is not a significant increase in the intensity of development on this site.

- 2.2. *The change does not conflict with project conditions of approval and/or final map conditions and the change can be effectuated through existing permit conditions.*

The SCD does not result in a use change or an increase in building coverage (339 square feet) that would conflict with the original project conditions of approval. The University Plaza Shopping Center included this tenant lease space and patio area at the time of original approval.

- 2.3 *The change will not result in environmental impacts not analyzed or discussed at the time of the previous approval or result in the need for additional mitigation measures and the change does not alter findings that the benefits of the project outweigh the significant unavoidable environmental effects, if any, made in connection with the original approval.*

A Negative Declaration (91-ND-30) was prepared at the time Development Plan 89-DP-002 was considered. As none of the building/site improvements result in changes to previously identified impacts, nor result in any new significant impacts, and since the changes to the project are considered minor and necessitated by the need to facilitate effective use of the building site, the previous CEQA findings can be remade. Further, an exemption for the proposed project would be the appropriate environmental documentation.

The City of Goleta, as the lead agency for this project, has found the minor building and site changes to be exempt from CEQA and a Notice of Exemption can be issued by the Director. Specifically, the project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301(a) Exterior Alterations. The existing development is located within the urbanized area, improved with existing commercial land uses and exempt from CEQA consistent with Section 15303(c) (New Construction or Conversion of Small Structures for the replacement building and site improvements) and 15303(e) (Accessory structures (appurtenant) structures).

2.4 Any revisions to the original project have received Design Review Board (DRB) approvals for landscaping and structures, if necessary.

The project received Preliminary and Final Design Approval with conditions on January 25, 2022 from the DRB. The DRB determined the project to be compatible with the City of Goleta design principles, policies and standards for structures and landscaping, as specified in the findings it adopted in granting Preliminary Design Approval. A copy of the adopted DRB findings are provided as Exhibit 1.