

ATTACHMENT 2: FINDINGS

Beach Club Tentative Parcel Map (12TPM-00000-00006 / TPM 14,791), Gabion Wall and Grading (11CDH-00000-00006) and New Single Family Dwelling (11CDH-00000-00054)

1.0 CEQA FINDINGS

1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The County Board of Supervisors has considered the revised Mitigated Negative Declaration dated May 30, 2014 together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the revised Mitigated Negative Declaration dated May 30, 2014 and any comments received, the County Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

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 Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 TENTATIVE PARCEL MAP FINDINGS (Chapter 21). 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:

2.1.1 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. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in

writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.

This Tentative Parcel Map does not include easements along or across county streets.

2.1.2 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;

Proposed Parcel A has frontage on Padaro Lane. Prior to future development of proposed Parcel A, a driveway of adequate width and design to meet Carpinteria-Summerland Fire District development standards will be constructed. An existing driveway from Padaro Lane provides access to proposed Parcel B.

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

There is no grading associated with this Tentative Parcel Map. Approval of related permit no. 11CDH-00000-00006 (to occur on both Parcel A and Parcel B of this Tentative Parcel Map) and permit no. 11CDH-00000-00054 (to occur on Parcel A of this Tentative Parcel Map) will not permit slopes or heights that would be either unsafe or unattractive to view.

2.1.4 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;

There is no grading or construction work associated with this Tentative Parcel Map. However, grading is a part of related permits 11CDH-00000-00006 and 11CDH-00000-00054. Approval of related permit no. 11CDH-00000-00006 will legalize grading conducted on the parent parcel without the benefit of a permit, and will allow fill to be placed over a sensitive cultural resource located on both Parcel A and Parcel B. Permit no. 11CDH-00000-00006 must be issued and implemented prior to map recordation of 12TPM-00000-00006, and prior to issuance of 11CDH-00000-00054 for a single family dwelling, because it resolves the zoning violation on the parent parcel. Permit no. 11CDH-00000-00006 also requires removal of a primary dwelling and a second unit that are located within the ESH buffer on Parcel A. When these structures are removed, there will be no residences on the parent parcel. Therefore, after the zoning violation is abated and existing structures are removed, permit no. 11CDH-00000-00054 for a new single family dwelling would not be dependent on recordation of the Tentative Parcel Map because it would be the only dwelling on the parent parcel.

2.1.5 Potential creation of hazard to life or property from floods, fire, or other catastrophe;

As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, the design of the subdivision will not result in any future development being located in areas that would create hazard to life or property.

2.1.6 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 Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, the Tentative Parcel map conforms to the County's Comprehensive Plan, including the Coastal Land Use Plan and the Summerland Community Plan. The project site is not located near any existing or proposed state highway alignment.

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

The lots created by the map would not have a ratio of depth to width in excess of 3 to 1.

2.1.8 Subdivision designs with lots backing up to watercourses.

The front yards of the parent and proposed parcels face Padaro Lane. The eastern property line of the underlying parcel is formed by Toro Canyon Creek, which is considered a watercourse. A watercourse is generally defined in Article II, Coastal Zoning Ordinance, as *major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass*; but does not include coastal wetlands. Toro Creek will form the eastern boundary of Parcel B. The southern property lines of both new parcels will abut the Pacific Ocean, which is not considered a watercourse. Therefore, the design of the subdivision does not have lots backing up to a watercourse.

2.1.9 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.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the design of the subdivision is consistent with the County's General Plan, including the Coastal Land Use Plan and the Summerland Community Plan, and the applicable requirements of the Coastal Zoning Ordinance. As discussed in these Tentative Map Findings, and the Subdivision Map Act Findings below, the tentative parcel map is consistent with Chapter 21 and the findings of the State Subdivision Map Act.

2.2 CHAPTER 21 SUBDIVISION MAP ACT FINDINGS. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings.

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

The lots resulting from the land division will be of adequate size (3.04 and 7.21 acres in size) to take advantage of maximum solar exposure. The proposed tentative parcel map is designed with proposed building envelopes located in such a way that future passive

or natural heating or cooling opportunities will be available for future development.

- 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 §65450) of Chapter 3 of Division 1.**

As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, the proposed subdivision is consistent with the land use density designated for the property in the Coastal Land Use Plan and Summerland Community Plan, and can be found consistent with all applicable policies of these plans. Additionally, as discussed under Appellant Issue #1 in the Board Letter dated July 1, 2014, and incorporated herein by reference, the project is also consistent with Summerland Community Plan and Coastal Land Use Plan policies and Coastal Zoning Ordinance requirements regarding Parks, Recreation and Trails and Visual Resources.

- 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:**

- 2.2.3.1 The proposed map is not consistent with applicable general and specific plans as specified in §65451.**

As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013 and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, the proposed subdivision is consistent with the Comprehensive Plan and Summerland Community Plan.

- 2.2.3.2 The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

No improvements are proposed with this tentative parcel map. However, as discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, conditions of approval will ensure that future development on the parcels would occur in compliance with applicable policies of the Comprehensive Plan and Summerland Community Plan. In addition, the design of the proposed subdivision would result in two lots that would be suitable for future residential development in compliance with the applicable Comprehensive Plan and Summerland Community Plan policies. Approval of permit no. 11CDH-00000-00054 would allow construction of a new single family dwelling on one of the two proposed new lots in accordance with all applicable policies of the Comprehensive Plan and Summerland Community Plan as described in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013 and in the Board Agenda Letter dated July 8, 2014 and incorporated herein by reference. Any proposed future development on either new lot would also be required to comply with these policies.

2.2.3.3 The site is not physically suitable for the type of development proposed.

As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, Parcel A will be 3.04 acres in size and contain a 47,579 sq ft building envelope that avoids all applicable setback requirements as well all sensitive cultural and biological resources. Parcel B will be 7.21 acres in size and contain a building envelope of 89,084 sq ft to avoid all applicable setback requirements and sensitive cultural and biological resources. A separate development exclusion area precludes any development in the significant portion of the archaeological site. Future development within the building envelope and an associated access driveway on proposed Parcel A were determined to be geologically feasible as stated in the reports titled Geotechnical Engineering Report, Proposed Single Family Dwelling and Barn, April 30, 2012 (Revised September 17, 2012), Addendum to Second Response to County of Santa Barbara Peer Review dated June 19, 2013, Second Response to County of Santa Barbara Peer Review dated May 14, 2013, Fault Rupture Hazard Report dated August 29, 2012, a Fault Rupture Hazard Report, Proposed Single Family Dwelling and Barn, dated August 29, 2012 (Revised September 17, 2012) and a Seismic Refraction Investigation Geophysical Survey, GEOVision Geophysical Services, Inc. dated August 14, 2012. These reports were peer-reviewed and accepted by the P&D Geologic consultant, GeoDynamics, Inc. (June 19, 2013). Future development proposed for Parcel B will also be required to provide soils engineering studies and comply with the recommendations therein.

2.2.3.4 The site is not physically suited for the proposed density of development.

The site is physically suited for the proposed density of development of the resulting lots. The proposed density (at one residence per 3.0-acre lot) is consistent with the designated density (Residential, 1.0 dwelling unit per 3 acres) of the Coastal Land Use Plan and Summerland Community Plan. As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, Parcel A will be 3.04 acres in size and contain a 47,579 sq ft building envelope that would avoid all applicable setback requirements as well as sensitive cultural and biological resources. Parcel B will be 7.21 acres in size and contain a building envelope of 89,084 sq ft to avoid all applicable setback requirements and sensitive cultural and biological resources. A separate development exclusion envelope on both parcels A and B precludes any development in the significant portion of the archaeological site. As such, the site can physically accommodate the proposed density of development.

2.2.3.5 The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

As summarized in Section 6.1 of the Planning Commission Staff Report dated November 15, 2013, and discussed in detail in the revised Proposed Final Mitigated Negative Declaration dated May 30, 2014 (13NGD-00000-00012), incorporated herein by reference, any potential impacts that could result from

the proposed subdivision and subsequent future development are mitigated to less than significant levels by incorporation of the mitigation measures and monitoring into the project's conditions of approval. The project would not cause substantial environmental damage or injure fish or wildlife of their habitat.

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

The design of the subdivision would not cause serious public health problems. As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, in the Board Agenda Letter dated July 8, 2014, and in the revised Proposed Final Mitigated Declaration dated May 30, 2014 (13NGD-00000-00012), incorporated herein by reference, adequate services are available to serve the subdivision and the project would not create any hazardous situations that could lead to public health problems.

2.2.3.7 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.

The Summerland Community Plan identifies a "possible future trail" on the subject property from Padaro Lane to the ocean, within the ESH and Toro Canyon Creek corridor. However, there is no easement in this particular area and no easements for the public at large cross the property. Therefore, the design of the subdivision would not conflict with existing easements.

2.2.4. State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or 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.

(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 of Division 1 of Title 5].

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

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

The parent parcel is residentially zoned and is not used for agriculture. The land is not subject to (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 (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 of Division 1 of Title 5]; (c) an agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code; or (d) a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code. Therefore, this finding does not apply.

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

The proposed project would utilize private wastewater disposal (septic systems) only if public sewer service is not available from the Carpinteria Sanitary District. Discharge of waste into the District system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. Therefore, this finding does not apply.

2.3 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS FOR TENTATIVE PARCEL MAPS

- 2.3.1. In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the recorded subdivision or parcel map.**

The proposed project would be served by the Montecito Water District (MWD). One existing water meter is located on the property. As indicated by the letter from Tom Mosby, General Manager, dated August 8, 2012, the Montecito Water District has the capacity to serve the both newly created lots. The project has been conditioned to require the applicant to obtain a Can and Will Serve letter for both new lots prior to map recordation.

- 2.3.2. As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.**

The proposed project is not located on land designated as AG-I or AG-II. Therefore, this finding does not apply.

- 2.3.3 In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Summerland Community Plan.**

As discussed in Section 6.2 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the proposed subdivision is conditioned so that any future development complies with the applicable development standards of the Coastal Land Use Plan and Summerland Community Plan. Additionally, as discussed under Appellant Issue #1 in the Board Letter dated July 1, 2014, and incorporated herein by reference, the project is also consistent with Summerland Community Plan and Coastal Land Use Plan policies and Coastal Zoning Ordinance requirements regarding Parks, Recreation and Trails and Visual Resources. Therefore, this finding can be made.

2.4 COASTAL DEVELOPMENT PERMIT FINDINGS FOR 11CDH-00000-00006

- 2.4.1 In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.**

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, adequate services and resources are available to serve the proposed development. The project is for as built grading, modification of the biological resources restoration plan for the Toro Canyon Creek corridor, removal of the single family dwelling and accessory structure, removal of a retaining wall and a play structure, abandonment of an existing well, grading for sensitive resource capping and installation of a split rail safety fence. No new structural or residential development is proposed under this permit. An existing well on the lot will provide water to irrigate restored and replanted areas as needed. The development will be accessed by an existing driveway from Padaro Lane. Other services such as roadways are adequate to serve the proposed development. Therefore, this finding can be made.

- 2.4.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the review authority shall first make all of the following findings, as applicable:**

1. The development conforms:

- (a) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- (b) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, 11CDH-00000-00006 conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, Summerland Community Plan, and the provisions of Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2. The development is located on a legally created lot.

The subject property was created by Lot Line Adjustment 07LLA-00000-00011, which was approved by the Zoning Administrator on February 27, 2008. Therefore, this finding can be made.

3. 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 zoning violations recorded against the subject parcel would be resolved by approval and issuance of 11CDH-00000-00006. With approval, issuance and effectuation of that permit, all applicable zoning violation enforcement fees and processing fees will be paid and the subject property and proposed project will be compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

2.4.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings, as applicable:

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

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, will not obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore, this finding can be made.

2. The development is compatible with the established physical scale of the area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, will be compatible with the established physical scale of the area. Therefore, this finding can be made.

3. The 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 Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00006, as conditioned, complies with the applicable public access and recreation policies of the of Article II Coastal Zoning Ordinance and the

Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan. Therefore, this finding can be made.

2.5 COASTAL DEVELOPMENT PERMIT FINDINGS FOR 11CDH-00000-00054

2.5.1 In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in Section 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and the Board Agenda Letter dated July 8, 2014, incorporated herein by reference, adequate services exist to serve the proposed single family dwelling. The project would be served by the Montecito Water District, connection to the public sewer line at Padaro Lane or, if it is not available, an existing, previously approved private drywell-type septic system, and the Carpinteria-Summerland Fire Protection District. Police services are also available to serve the development. Therefore, this finding can be made.

2.5.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1. In compliance with Section 35-169.5.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.1 the review authority shall first make all of the following findings, as applicable:

1. The development conforms:

- (a) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- (b) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, conforms to the applicable policies of the Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan and the provisions of Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2. The development is located on a legally created lot.

The subject property was created by Lot Line Adjustment 07LLA-00000-00011, which was approved by the Zoning Administrator on February 27, 2008. Therefore, this finding can be made.

3. 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 zoning violations recorded against the subject parcel would be resolved by approval, issuance, and effectuation of 11CDH-00000-00006. With approval, issuance and effectuation of that permit, all applicable zoning violation enforcement fees and processing fees will be paid and the subject property and proposed project will be compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

Conditions of approval require approval and issuance of 11CDH-00000-00006 prior to approval of any other permits on Parcel A. With approval and issuance of that permit, the subject property and proposed project are in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, parking, height and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 1-E-1 zone district. Therefore, this finding can be made.

2.5.3 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings, as applicable:

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

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore, this finding can be made.

2. The development is compatible with the established physical scale of the area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, will be compatible with the established physical scale of the area. Therefore, this finding can be made.

3. The 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 Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 15, 2013, and incorporated herein by reference, the development described in 11CDH-00000-00054, as conditioned, complies with the applicable public access and recreation policies of the of Article II Coastal Zoning Ordinance and the

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Comprehensive Plan, including the Coastal land Use Plan and Summerland Community Plan. Therefore, this finding can be made.