

ATTACHMENT 2: FINDINGS

Beach Club Gabion Wall and Grading (11CDH-00000-00006)

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 February 25, 2015 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 February 25, 2015 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 COASTAL DEVELOPMENT PERMIT FINDINGS FOR 11CDH-00000-00006

2.1.1 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 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.

2.1.2 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 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, and all other applicable provisions of the Article II Coastal Zoning Ordinance for the 3-E-1 zone district. Therefore, this finding can be made.

2.1.3 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 the Revised Proposed Final Mitigated Negative Declaration dated February 25, 2015, 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 the Revised Proposed Final Mitigated Negative Declaration dated February 25, 2015, 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 the Revised Proposed Final Mitigated Negative Declaration dated February 25, 2015, 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.