

## ATTACHMENT 1: FINDINGS FOR DENIAL

### 1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 [Projects Which Are Disapproved]. Please see Attachment 3 (CEQA Notice of Exemption) of the Board Memorandum dated September 10, 2020 and incorporated herein by reference.

### 2.0 ADMINISTRATIVE FINDINGS

The discussion below is limited to the required findings which cannot be made for the project.

#### 2.1 DEVELOPMENT PLAN FINDINGS

2.1.1 **Findings required for all Preliminary and Final Development Plans.** In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

- 1. 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 II and/or the project falls with the limited exception allowed under Section 35-161.7.**

The Board of Supervisors finds that the project is not in conformance with the Comprehensive Plan. The project does not comply with Gaviota Coast Plan Policy NS-6, Action NS-2 and Development Standard NS-1, which requires the project to mitigate for the significant effects on wildlife movement and to minimize disruption to wildlife travel corridors. Based on databases including the California Essential Habitat Connectivity (CEHC) Project database, the California Connectivity Opportunity Areas (COAs) model, the California Roadkill Observation System (CROS), and California Highway Patrol (CHIPs) roadkill data, the area surrounding the project is the subject of significant wildlife-vehicle conflict. As a result of the replanting of riparian habitat, the area is also expected to further attract wildlife, therefore increasing the existing risk to wildlife and vehicles travelling on the Highway 101.

#### 2.2 CONDITIONAL USE PERMITS

2.2.1 **Findings required for all Conditional Use Permits.** In compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional

approval of an application for a Major or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:

**1. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.**

The Board of Supervisors finds that the project is not in conformance with the Comprehensive Plan. The project does not comply with Gaviota Coast Plan Policy NS-6, Action NS-2 and Development Standard NS-1, which requires the project to mitigate for the significant effects on wildlife movement and to minimize disruption to wildlife travel corridors. Based on databases including the California Essential Habitat Connectivity (CEHC) Project database, the California Connectivity Opportunity Areas (COAs) model, the California Roadkill Observation System (CROS), and California Highway Patrol (CHIPs) roadkill data, the area surrounding the project is the subject of significant wildlife-vehicle conflict. As a result of the replanting of riparian habitat, the area is also expected to further attract wildlife, therefore increasing the existing risk to wildlife and vehicles travelling on the Highway 101.

**2.3 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.3.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.** In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

**1. The proposed development conforms:**

- a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. 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 Board of Supervisors finds that the project is not in conformance with the Comprehensive Plan. The project does not comply with Gaviota Coast Plan Policy NS-6, Action NS-2 and Development Standard NS-1, which requires the project to mitigate for the significant effects on wildlife movement and to minimize disruption to wildlife travel corridors.