

ATTACHMENT A FINDINGS FOR APPROVAL

ADMINISTRATIVE FINDINGS

1.0 CEQA FINDINGS

The following findings must be made pursuant to Public Resources Code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 and 15091.

1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Board of Supervisors has considered the Addendum dated February 7, 2002 together with the previously certified Program EIR (2000-EIR-1) for the Toro Canyon Plan. The Addendum reflects the independent judgement of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the Program EIR, is adequate for this proposal.

1.2 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 at 105 E. Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

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

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed issues related to historical structures and visual resources. Mitigation measures were identified to reduce potentially significant impacts to the maximum extent feasible. These mitigation measures have been incorporated as conditions of approval for the Coastal Development Permit.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

Pursuant to Section 35-169.5 of the Article II Coastal Zoning Ordinance, a Coastal Development Permit shall only be issued if all of the following findings are made.

- 2.1 *That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.***

As discussed in the Board of Supervisors staff report dated February 8, 2002, the proposed removal of the Santa from the rooftop of the building at 3819 Santa Claus Lane is consistent with all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan. The project is also consistent with all applicable Zoning Ordinance requirements.

- 2.2 *That the proposed development is located on a legally created lot.***

The subject property is considered a legally created lot as it has been developed pursuant to an approved permit issued by the County of Santa Barbara.

- 2.3 *That the subject 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 such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Section 35-160 et seq.***

There are no outstanding zoning violations on the subject property. While the existing structure does not meet all setback requirements of the Zoning Ordinance, the development is considered legal non-conforming and therefore this finding can be made.

- 2.4 *That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

The Santa is located on top of an existing building, extending the height of the roofline by the height of the Santa structure. Removing the Santa from the rooftop will remove an impediment to public views of the ocean from Highway 101 consistent with Section 30251 of the Coastal Act which states that, "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." It also provides that, "Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

2.5 *That the development is compatible with the established physical scale of the area.*

Removing the Santa from the roof of the building at 3819 Santa Claus Lane will not cause the building to be incompatible with the established physical scale of the area. In fact, the Santa is located on the rooftop of the building, causing it to be the tallest structure on the Lane at this time. Removal of the Santa will cause the existing building to conform more to the established physical scale of the area by reducing the overall height of the building.

2.6 *That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.*

The removal of the Santa structure from the roof of the building at 3819 will not affect public access and/or recreation policies of the Zoning Ordinance or Coastal Land Use Plan as the structure does not represent “new development” and is located in an area zoned for commercial uses.