

## **Attachment B**

### **Findings for Approval Summerland Community Plan Update**

#### **1.0 CEQA FINDINGS**

#### **1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:**

##### **1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Supplemental Environmental Impact Report (Final SEIR) (13EIR-00000-00003) for the Summerland Community Plan Update augments the previously certified Summerland Community Plan EIR (91-EIR-07) and Addendum certified by the Board of Supervisors on May 19, 1992. The Final SEIR (13EIR-00000-00003) was presented to the Board of Supervisors and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final SEIR (13EIR-00000-00003) and its appendices prior to approving the project. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearings on February 5, 2014, March 5, 2014, and May 6, 2014. The Final SEIR reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this project.

##### **1.1.2 FULL DISCLOSURE**

The Board of Supervisors finds and certifies that the Final Supplemental EIR (13EIR-00000-00003) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies that the Final Supplemental EIR has been completed in compliance with CEQA.

##### **1.1.3 LOCATION OF RECORD OF PROCEEDINGS**

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 located at 105 East Anapamu Street, Santa Barbara, CA 93101.

##### **1.1.4 MITIGATION OF PROJECT IMPACTS**

The Board of Supervisors finds that in accordance with the environmental impact analysis provided in 13EIR-00000-00003, the Summerland Community Plan Update as approved will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant impacts that require major revisions to the previously certified Summerland Community Plan EIR (91-EIR-07).

The Board of Supervisors also finds the previously certified Summerland Community Plan FEIR eliminated or substantially mitigated impacts related to the Summerland Community Plan Update and that the Final Supplemental EIR (13EIR-00000-00003) analysis has demonstrated that the Summerland Community Plan Update would not result in any new significant effects that require mitigation. Therefore, the previously certified Summerland Community Plan FEIR is consistent with CEQA with the minor additions and changes incorporated by the Final SEIR (13EIR-00000-00003).

### **1.1.5 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(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 Summerland Community Plan Final EIR and Addendum included a Mitigation Monitoring and Reporting Plan that was certified by the Board of Supervisors in May 1992 and is still in place and applies to the Plan. The Santa Barbara County Board of Supervisors finds the Final Supplemental EIR (13EIR-00000-00003) analysis has demonstrated the Summerland Community Plan Update would not result in any new significant effects that require mitigation. Therefore, a new mitigation monitoring and reporting program is not required for the Summerland Community Plan Update.

### **2.0 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL**

The Final Supplemental EIR (13EIR-00000-00003) identified one subject area for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). Feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

#### **Greenhouse Gas Emissions**

Impacts: The EIR identified potentially significant but mitigable cumulative impacts resulting from buildout of the Plan Area and the cumulative contribution of greenhouse gas emissions (GHG).

Mitigation: The SCP Update includes an updated Transportation, Circulation and Parking section including new goals, policies and actions that promote alternative modes of transportation and maximize multimodal access via transit lines, bikeways, and pedestrian trails.

Findings: The Board of Supervisors finds that SCP Update Transportation, Circulation and Parking goals, policies and actions mitigate or avoid significant effects on GHG

emissions to a level of insignificance. Since transportation is the largest emitter of GHG emissions, adoption of these SCP Update goals, policies and actions would reduce GHG emissions in the Plan Area on a project-by-project basis

### **3.0 FINDINGS REGARDING PROJECT ALTERNATIVES**

The Final SEIR (13EIR-00000-00003) evaluated a No Project Alternative and Alternative A: Floor Area Ratio Exchange as methods of reducing or eliminating potentially significant environmental impacts.

#### **3.1 No Project Alternative**

The No Project alternative assumes projected buildout under the existing 1992 Summerland Community Plan would continue under existing land use and zoning, and none of the policies, development standards, and actions of the Summerland Community Plan Update would be implemented, including the Residential Design Guidelines, Commercial Design Guidelines, and LUDC and Coastal Zoning Ordinance amendments.

The No Project Alternative fails to achieve the basic objectives of the project, stated as follows:

- Articulate and implement the community's desire to preserve neighborhood character and charm, and protect and enhance the quality of life enjoyed by residents and visitors.
- Provide new policy direction and development standards that facilitate proper and informed planning, and reflect the prevailing vision and goals of the area's residents.
- Provide reasonable, practical, and objective guidance to assist business owners, developers, and designers in identifying the key design characteristics and components that define the character of the neighborhood to consider when designing new or renovated buildings.
- Strengthen and expand the existing design guidelines to encourage high standards in design, sustainability, and neighborhood compatibility.
- Allow greater flexibility in design, guide creativity, and provide greater consistency with the countywide height and floor area measurement methodologies.
- Encourage commercial core redevelopment to compliment the Lillie Avenue streetscape improvements. Preserve, protect, and enhance the existing areas of commercial, social, and historical interest specific to the commercial core.
- Continue to regulate residential development, including estate-style developments approaching the maximum floor area.

- Consider the distinctive character and attributes of the Rural and Urban Areas as part of the design review process.
- Ensure that future circulation and parking improvements are compatible with the community character, guide new improvements desired by the community, and provide adequate transportation infrastructure for public health and safety.
- Strengthen connections between the community and the ocean, provide multimodal connections within Summerland and to surrounding areas, and promote beach access for all users.
- Provide cohesion with the Comprehensive Plan structure and implement the community's vision through policies in the community plan, regulations in the County Code, and guidelines for the South County Board of Architectural Review (SBAR) to consider in design review decisions.

The No Project Alternative would not (1) update the 1992 Summerland Community Plan, (2) adopt Residential Design Guidelines and Commercial Design Guidelines, and (3) amend the Land Use and Development Code (LUDC) and Coastal Zoning Ordinance (Article II). The No Project Alternative would also not achieve the key objectives articulated for the Community Plan. For example, steps would not be taken to allow greater flexibility in design and to achieve consistency with countywide height and floor area measurement methodologies. Unpermitted public right-of-way (ROW) encroachments would continue, and unmaintained ROW would remain neglected. Height would continue to be calculated in a manner that encourages flat building pads and allow large building faces to impact public views and community character. In addition, the 1992 SCP and 1992 Design Guidelines would not reflect changes in community character and objectives that have occurred over the course of the past two decades. Therefore, the Board of Supervisors finds the Summerland Community Plan Update revised project description (Alternative A) is preferable to the No Project Alternative.

### **3.2 Alternative A: Floor Area Ratio Exchange**

Alternative A includes all components of the Summerland Community Plan Update project description plus a provision to allow a principle dwelling outside the Urban Grid, to have a Floor Area Ratio (FAR) larger than the maximum allowable square footage specified in the zoning ordinances in exchange for relinquishing development rights to (1) one potential or existing lot and (2) one potential principal dwelling.

Alternative A would achieve the project objectives and is within the scope of the project. By allowing one larger principal dwelling, Alternative A would provide an incentive to preserve open space, agricultural lands, and scenic resources by reducing development potential. Alternative A could reduce development potential in areas identified as visually sensitive, including Ortega Hill, Padaro Lane, and the Rural Area north and east of the Urban Boundary. The removal of additional development potential from these areas would help preserve the Plan Area's visual character and reduce impacts compared to

maximum theoretical buildout under the No Project Alternative and Summerland Community Plan Update project description.

The aesthetic impacts of allowing larger homes of up 12,000 square feet would be offset by the relinquishment of development rights on one existing or potential lot and on one principal dwelling and accessory development. All structures would still need to be consistent with existing regulations, including the Summerland Community Plan, Comprehensive Plan, and Coastal Land Use Plan policies, design guidelines and review findings, and zoning ordinances standards and findings.

The Board of Supervisors finds Alternative A to be the environmentally superior alternative and accepts this alternative as the revised project description for the Summerland Community Plan Update. The Board of Supervisors finds that Alternative A will be implemented through the following new development standard and zoning ordinance amendments:

**Summerland Community Plan Update Amendment** - Add the following development standard:

*Dev Std VIS-S-5.1: A principal dwelling larger than the maximum allowable square footage per lot area specified in the Summerland Community Plan Overlay of the Coastal Zoning Ordinance (Section 35-191) or the Summerland Community Plan Overlay of the Land Use and Development Code (Section 35.28.210 G) may be allowed, except in the Urban Grid, in exchange for relinquishing development rights to (1) one potential or existing lot and (2) one potential principal dwelling. ~~The purpose is to provide an incentive for preserving open space, agricultural lands, and scenic resources by lowering densities and reducing nonconforming lots in sensitive areas.~~*

**Zoning Ordinances Amendment** – Amend the LUDC (Section 35.28.210 G) and Coastal Zoning Ordinance (Article II) (Section 35-191) as appropriate to include the following:

- (5) **Transfer of floor area.** Except in the Urban Grid, up to one-half of the maximum allowed floor area of a principal dwelling may be transferred to an existing or new principal dwelling as follows:
  - (a) **Elimination of potential subdivision.** The maximum allowed floor area on a lot that may be subdivided in compliance with the applicable zone in effect as of [effective date of this Ordinance] may be increased in compliance with the following and Subsection G.5 (c), below:
    - (i) A Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.
    - (ii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed for a lot that is equal in size to the minimum lot size

required in compliance with the applicable zone in effect as of [effective date of this Ordinance].

- (b) Elimination of existing lot.** The maximum allowed floor area on a lot that cannot be subdivided in compliance with the applicable zone in effect as of [effective date of this Ordinance] may be increased in compliance with the following and Subsection G.5 (c) below:
- (i) The lot is contiguous to a lot that cannot be subdivided in compliance with the applicable zone in effect as of [effective date of this Ordinance].**
  - (ii) A voluntary merger of the two lots and an Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.**
  - (iii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed on either of the lots that are the subject of the voluntary merger.**
- (c) In no event shall the maximum allowed floor area as adjusted in compliance with Subsections G.5 (a) or G.5 (b) above exceed:**
- (i) 12,000 square feet on lots with a lot area (net) of less than 20 acres.**
  - (ii) 15,000 square feet on lots with a lot area (net) of 20 acres or greater.**

#### **4.0 ADMINISTRATIVE FINDINGS**

##### **4.1 AMENDMENTS TO THE DEVELOPMENT CODE, LCP AND ZONING MAP**

**Findings required for all amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map.** In compliance with Section 35.104.060 of the County Land Use and Development Code (LUDC), and Section 35-180.6 of the Coastal Zoning Ordinance (Article II), prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

###### **4.1.1 The request is in the interest of the general community welfare.**

The 1992 Summerland Community Plan is outdated, and does not fully address current community concerns. The project retains the existing urban boundary, allows for continued infill residential and commercial development, incorporates new residential and commercial design guidelines to provide greater visual resource protection, amends visual resource policies and ordinance provisions regarding height limit and floor area ratio to provide consistency with County practices while protecting the Plan Area's significant visual resources, and provides flexibility in addressing road right-of-way abandonment and encroachments that can benefit the visual character of the area while

ensuring public access and public benefit issues continue to be addressed. In doing so, the project respects service, resource, and infrastructure capacities while accommodating development to a degree and in a manner which provides the greatest community welfare with the least public and private harm. Overall, Summerland Community Plan Update and LUDC and LCP amendments are in the interests of the general community welfare.

**4.1.2 The request is consistent with the Comprehensive Plan, the Local Coastal Program, the requirements of State planning and zoning laws, and the Land Use and Development Code (LUDC).**

As discussed in Section 5.0 of the Final SEIR, herein incorporated by reference, the project is consistent with the Comprehensive Plan, Local Coastal Program, and the LUDC. The Summerland Community Plan Update is focused in scope, covering, updating, and fine tuning topics addressed by the previously adopted 1992 Summerland Community Plan. The Summerland Community Plan Update includes a new Transportation, Circulation, and Parking section; policy changes in the Visual and Aesthetics section; and updates in the Introduction section. The Final SEIR identified no potential inconsistencies between the Summerland Community Plan Update and adopted Comprehensive Plan and Coastal Land Use Plan policies.

**4.1.3 The request is consistent with good zoning and planning practices.**

The project retains the existing urban boundary, allows for continued infill residential and commercial development, incorporates new residential and commercial design guidelines to provide greater visual resource protection, amends visual resource policies and ordinance provisions regarding height limit and floor area ratio to provide consistency with County practices while protecting the Plan Area's significant visual resources, and provides flexibility in addressing road right-of-way abandonment and encroachments that can benefit the visual character of the area while ensuring public access and public benefit issues continue to be addressed. The project updates standards for future growth consistent with good zoning and planning practices.

**4.2 GENERAL PLAN AMENDMENT FINDINGS**

**Government Code Section 65358(a) requires a general plan amendment to be in the public interest.**

The Summerland Community Plan Update is a planning and growth management plan that addresses future development in the Plan Area. It does not increase density or add new land uses. However, it does propose new goals, policies, development standards, and actions to enhance visual resource protection, address right-of-way and on-street parking issues, improve multimodal circulation, and preserve neighborhood character. The primary intent of the Summerland Community Plan Update is to articulate the community's expressed desire to preserve neighborhood character and charm and to protect and enhance the quality of life enjoyed by residents and visitors. Overall, it is in

the public interest to address future development in the Plan Area by adopting the goals, policies, development standards, and actions of the Summerland Community Plan Update.