

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1.1 ADDENDA TO ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION**

FINDINGS PURSUANT TO PUBLIC RESOURCE CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 and 15164:

##### **1.1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE**

The Board of Supervisors has considered the Addendum dated March 2020 together with the previously certified EIR dated August 26, 2014 (2014 EIR), Revised EIR dated October 27, 2017 (2017 EIR), and EIR Addendum dated June 1, 2018, and finds that the Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and therefore the Addendum, together with the previously certified 2014 EIR, 2017 EIR, and EIR Addendum dated June 1, 2018, is adequate for this project. On the basis of the whole record, including the Addendum, the previously certified CEQA documents, and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to CEQA Guideline 15162.

##### **1.1.2 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 Secretary of the Montecito Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

##### **1.1.3 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 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.

##### **1.1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS**

The Addendum prepared for the project addressed the following issues: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards, Hydrology and Water Quality, Land Use, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities, and Wildfire.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1.1 DEVELOPMENT PLAN FINDINGS**

**A. 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 site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.**

The Board of Supervisors finds that the site is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The proposed project would be located within County and Caltrans right-of-way in an area that already serves as an intersection. The proposed roundabout will not add Peak Hour Trips (PHTs), will improve the Level of Service (LOS) at area intersections, and improve overall vehicular circulation. The roundabout has been designed to meet County and Caltrans geometric requirements and the project site will accommodate adequate vehicular site distance and turning movements as well as pedestrian and bicyclist circulation, landscaping, and stormwater management.

**2. That adverse impacts are mitigated to the maximum extent feasible.**

The Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible as discussed in Attachment 2 (CEQA Addendum) and incorporated herein by reference. The proposed revisions will not create new significant impacts. Significant environmental impacts will continue to be mitigated to the maximum extent feasible by the mitigation measures identified in the Caltrans HWY 101 2014 EIR as modified by the 2017 Revised EIR (on file with P&D). All environmental impacts originally identified will continue to be mitigated to less than significant levels with implementation of the identified mitigation measures, which are incorporated through Condition 19 of Attachment 3, which requires the preparation of a Mitigation Compliance, Monitoring and Reporting Plan (MMRP). In addition to the mitigation measures, additional conditions of approval have been imposed to ensure the project complies with applicable County policies, as discussed in Section

6.2 of the Montecito Planning Commission staff report dated April 2, 2020 and herein incorporated by reference. These conditions, including condition 3 (Board of Architectural Review), 4-6 (tree protection), and 7-8 (cultural resource protection) of Attachment 3 would further ensure that adverse impacts are reduced to the maximum extent feasible.

**3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The project is designed to improve traffic operations at the San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps by converting two stop-controlled intersections to a roundabout. The project would not add Peak Hour Trips (PHTs) and would improve the Level of Service (LOS) at the project intersections. With implementation of the proposed project, LOS would improve at all intersections and traffic through the area would be better accommodated.

**4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The Montecito Planning Commission finds that there are adequate services to serve the project. No sewer services are required to serve the proposed project. Water to support landscaping associated with the project will be provided by the Montecito Water District. Fire service in the project area is provided by the Montecito Fire Protection District, and the layout of the roundabout has been designed to meet access requirements for their engines. Police protection is provided by the Santa Barbara County Sherriff and California Highway Patrol.

**5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The Board of Supervisors finds that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The project is designed to improve intersection operations at the intersection at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps by converting the intersection from two stop-controlled intersections to a roundabout. The project will improve the Level of Service at the intersection and has been designed to accommodate adequate vehicular site distance and turning movements as well as pedestrian and bicyclist

circulation, landscaping, and stormwater management. Reconfiguration of the existing intersection to a roundabout will maintain the overall visual character of the intersection while providing upgraded landscape and hardscape materials. Hardscape and landscape elements have been designed to be visually compatible with the surrounding area and include sandstone grouted cobble paving, integral-colored concrete paving, sandstone planter walls, and a mix of low-water use native and Mediterranean plant species. These hardscape and landscape elements are consistent with landscape and hardscape materials found throughout the Montecito community and along nearby Coast Village Road; and are compatible with the semi-rural character of the community. Proposed lighting includes nine 25-foot tall light standards (poles) which have been designed to minimize lighting, while also providing sufficient lighting for safety purposes. Measures identified in the 2014 EIR (as amended by the 2017 Revised EIR; on file with P&D, incorporated herein by reference) to reduce temporary construction impacts would continue to apply to the proposed project. Measures include a Traffic Management Plan, dust control measures, noise minimization measures (such as limits on construction hours adjacent to sensitive receptors and sound control devices for construction equipment), use of low-vibration construction methods, and implementation of erosion and stormwater control best management practices. These measures will help to minimize short term construction impacts to the area and to preserve the health, safety, and comfort of the area.

- 6. 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 in conformance with the Comprehensive Plan and with the applicable provisions of Article II. As discussed in Section 6.2 and 6.3 of the Montecito Planning Commission staff report dated April 2, 2020, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and with all requirements of the Article II Coastal Zoning Ordinance. The project does not fall within the limited exception allowed under Section 35-161.7.

- 7. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.**

The proposed project is not located within a rural area. Therefore, this finding does not apply.

**8. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.**

The Board of Supervisors finds that the project will not conflict with any easements required for public access through, or public use of a portion of the property. The proposed project will occur within County and Caltrans right-of-way areas and will not conflict with any easements required for public access through, or public use of a portion of the property. The roundabout will provide for pedestrian access through the intersection, including cyclists, and will improve vehicular flow through the intersection. During all temporary construction-related closures, detour routes will be provided for vehicles, pedestrians, and bicycles.

**B. Additional findings required for sites within the Montecito Community Plan area.**

**1. All Preliminary and Final Development Plans.** In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan on sites within the Montecito Community Plan area the decision-maker shall first make all of the following findings:

**a. That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

The Board of Supervisors finds that, as discussed in Section 6.2 of the Montecito Planning Commission staff report dated April 2, 2020, and incorporated herein by reference, the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

**b. That the development will not adversely impact recreational facilities and uses.**

The Board of Supervisors finds that, as discussed in Section 6.2 of the Montecito Planning Commission staff report dated April 2, 2020, and in Finding 2.1.2.B.6, incorporated herein by reference, the proposed project will not adversely impact recreational facilities and uses.

**2.1.2 COASTAL DEVELOPMENT PERMIT FINDINGS**

- A. Findings required for all Coastal Development Permits.** In compliance with Section 35-60.5 of the Article II Coastal 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.

The Board of Supervisors finds that, as discussed in Finding 2.1.1A.4, and incorporated herein by reference, adequate public services, including but not limited to fire protection, water supply, and police protection are available to serve the project. As discussed in Finding 2.1.1.A.3, and incorporated herein by reference, streets and highways are adequate to carry the type and quantity of traffic generated by the proposed use.

- B. 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, as discussed in Section 6.2 and 6.3 of the Montecito Planning Commission staff report dated April 2, 2020, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and with all requirements of the Article II Coastal Zoning Ordinance. The project does not fall with the limited exception allowed under Section 35-161.7.

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

The Board of Supervisors finds that the proposed development is located on legally created property. The proposed project would be located within County and Caltrans

right-of-way areas and not within an individual lot. Pursuant to Division 1, Chapter 1, Article 3 (Department of Transportation) of the Streets and Highways Code, “*The department [of transportation] shall have full possession and control of all state highways and all property and rights in property acquired for state highway purposes. The department is authorized and directed to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission.*”

- 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 Board of Supervisors finds that, as discussed in Section 6.3 of the Montecito Planning Commission staff report dated April 2, 2020, and incorporated herein by reference, the proposed project would conform to all applicable laws, rules, and regulations pertaining to the TC zone. There are no current violations associated with the subject property and all processing fees have been paid to date.

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

The Montecito Planning Commission finds that development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. No mountain, ocean or other scenic views would be obstructed by the proposed project. Reconfiguration of the existing intersection to a roundabout would maintain the overall visual character of the intersection while providing upgraded landscape and hardscape materials visually compatible with the surrounding area. No element of the proposed upgrades would obstruct public views to or along the coast.

- 5. The proposed development will be compatible with the established physical scale of the area.**

The Board of Supervisors finds that the proposed development will be compatible with the established physical scale of the area. No mountain, ocean or other scenic views would be obstructed by the proposed project. Reconfiguration of the existing intersection to a roundabout would maintain the overall visual character of the intersection while providing upgraded landscape and hardscape materials. Hardscape

and landscape elements have been designed to be visually compatible with the surrounding area. These hardscape and landscape elements are consistent with landscape and hardscape materials found throughout the Montecito community and along nearby Coast Village Road; and is compatible with the semi-rural character of the community. Proposed lighting includes nine 25-foot tall light standards (poles) which are similar in scale to existing light poles in the area. Trees removed as a part of the project would be replaced at a ratio of 3:1 with replacement trees will be a variety of sizes, including 5-gallon, 15-gallon, and 24-inch box sized trees. Use of a mix of tree sizes, including mature trees will ensure that the proposed landscaping is compatible with existing mature vegetation within the surrounding area.

**6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The Board of Supervisors finds that the development will comply with the public access and recreation policies of the Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan. The project would be consistent with applicable recreation policies as it would not interfere with public access or existing recreational facilities. In addition, the proposed project includes dedicated pedestrian paths together with pedestrian friendly lighting, landscape design, and safety signage for bicyclists to facilitate pedestrian and bicyclist safety, access, and circulation through the roundabout. The project is consistent with Coastal Land Use Plan (CLUP) Policy 7-32, as the project implements the San Ysidro roundabout identified for completion under CLUP Policy 7-32. The proposed project would not interfere with the public's right of access to the sea and no elements of the proposed project would block access to the coast. During all temporary construction-related closures, detour routes would be provided for vehicles, pedestrians, and bicycles.

**C. Additional findings required for sites within the Montecito Community Plan area.**

**1. In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to approval or conditional approval of an application for a Coastal Development Permit on sites with the Montecito Community Plan area, the decision-maker shall first find for all development projects (as development is defined in the Coastal Land Use Plan) that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

The Board of Supervisors finds that, as discussed in Section 6.2 of the Montecito Planning Commission staff report dated April 2, 2020, and incorporated herein by



reference, the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

- 2. In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the decision-maker shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.**

The Board of Supervisors finds that, as discussed in Section 6.2 of the Montecito Planning Commission staff report dated April 2, 2020, and in Finding 2.1.2.B.6, incorporated herein by reference, the proposed project will not adversely impact recreational facilities and uses.

