

ATTACHMENT-1: FINDINGS

1.0 CEQA FINDINGS

The County Board of Supervisors finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment-2, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

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

2.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3. In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 the review authority shall first make all of the following findings:

2.1.1 The proposed development conforms:

a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan.

As discussed in Section 6.2 of the Planning Commission Staff Report dated July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan. Therefore, this finding cannot be made and the project is recommended for denial.

b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

As discussed in Section 6.3 of the Planning Commission Staff Report dated July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of the requirements of the Article II Coastal Zoning Ordinance. In addition, the proposed development does not fall within the limited exceptions of Section 35-161 because it is not a historic landmark, is not located on property zoned SR-M or SR-H and is not located within a zone district which allows residential use as a permitted use requiring only a Coastal Development Permit. Therefore, this finding cannot be made and the project is recommended

for denial.

2.1.2 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 partially completed residence on-site was constructed without the benefit of permits from Santa Barbara County. Based on the documents submitted by the Applicant and analysis of those documents by the County, the residence does not currently have legal access or an easement for a sewer line. As discussed in Section 6.3 of the Planning Commission Staff Report dated July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, the proposed project is inconsistent with the requirements of the Article II Coastal Zoning Ordinance. Therefore, the subject property is not in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of the Article II Coastal Zoning Ordinance. Therefore, this finding cannot be made and the project is recommended for denial.

2.2 Findings required for all Variances. In compliance with Section 35-173.6 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Variance the review authority shall first make all of the following findings, as applicable:

1. That the granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.

The property is currently zoned (REC) and is proposed to be rezoned to 7-R-1 (single-family residential). Pursuant to Article II, Section 35-71.1, the purpose of the R-1/E-1 zone district is *“to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of [the] district to protect the residential characteristics of an area and to promote a suitable environment for family life.”* As discussed in Sections 6.2 of the Staff Report, dated Planning Commission July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan. Notably, based on the documents submitted by the Applicant and

analysis of those documents by the County, adequate access to the property and a sewer line easement do not exist. The granting of a variance for a project proposal that is inconsistent with applicable policies, including lack of access and sanitary service, would not be consistent with “*sound standards of public health, welfare, and safety,*” or with the adopted Santa Barbara County Coastal Land Use Plan. Therefore, this finding cannot be made and the project is recommended for denial.

2.3 Findings required for all Comprehensive Plan Amendments to the Article II Zoning Ordinance, the Local Coastal Program, and the County Zoning Map and Rezones. In compliance with Section 35-180.6 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to the Article II Zoning Ordinance, the Local Coastal Program or the County Zoning Map the review authority shall first make all of the following findings:

1. The request is in the interests of the general community welfare.

As discussed in Section 6.2 and 6.3 of the Planning Commission Staff Report, dated July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, based on the documents submitted by the Applicant and analysis of those documents by the County, no adequate access or ability to extend sewer services to the property exists. In addition, the property is encumbered with geologic constraints. It would not be in the interest of community welfare to convert a property from recreational to residential land use and zoning designations when no current means of accessing or providing sewer service to the residential development exists and where a property is subject to geologic constraints with the potential to significantly limit residential use of the site. Therefore, this finding cannot be made.

2. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of the State planning and zoning laws, and this Article.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated July 23, 2015, and the Board of Supervisors Board Letter dated October 20, 2015, and incorporated herein by reference, the proposed project is inconsistent with a number of applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Summerland Community Plan and with requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding cannot be made.

3. The request is consistent with good zoning and planning practices.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report, dated July 23, 2015, and the Board of Supervisors Board

Letter dated October 20, 2015, and incorporated herein by reference, based on the documents submitted by the Applicant and analysis of those documents by the County no adequate access or ability to extend sewer services to the property exists. In addition, the property is encumbered with geologic constraints. It would not be consistent with good zoning and planning practices to convert a property from recreational to residential zoning and land use designation when no current means of accessing or providing sewer service to the residential development exists and where a property is subject to geologic constraints with the potential to significantly limit residential use of the site. Therefore, this finding cannot be made.

