

## **ATTACHMENT 1: FINDINGS FOR DENIAL**

### **1.0 CEQA FINDINGS**

#### **1.1 CEQA EXEMPTION**

The 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(a). Please see the Notice of Exemption included as Attachment 2 of the Board Agenda Letter dated July 7, 2020.

### **2.0 ADMINISTRATIVE FINDINGS**

Only findings that cannot be made are discussed below:

#### **2.1 ARTICLE II, COASTAL DEVELOPMENT PERMIT FINDINGS**

**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 does not conform:**

**1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**

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

The Board of Supervisors (Board) finds that due to the loud, percussive nature of the noise caused by helicopter take-offs and landings, the proposed project is inconsistent with specific Summerland Community Plan policies as described below. The proposed helistop is located near small and medium density residential uses. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The site is adjacent to environmentally sensitive habitat, a recorded monarch roosting habitat.

Summerland Community Plan Policy N-S-1 provides that residential uses shall be protected to minimize significant noise impacts. Policy PRT-S-5 of the Summerland Community Plan states that “new development shall not adversely impact existing

recreational facilities and uses.” Summerland Community Plan Policy BIO-S-3 states that “monarch butterfly roosting habitats shall be preserved and protected.”

The loud and percussive noise events caused by regular helicopter landings and take-offs are incompatible with the surrounding neighborhood, adjacent trails, and nearby environmentally sensitive habitat. These loud noise events, which generate a unique and disruptive type of sound, would interfere with the quiet enjoyment of residences in the area and degrade the quality of nearby recreational trails. These noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. They may also cause a negative impact to nearby monarch butterfly roosting habitats. Therefore, the proposed project would not comply with the above stated policies of the Comprehensive Plan and this finding cannot be made.

**2.1.2 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 finds that the development does not comply with a specific Summerland Community Plan policy regarding recreational facilities, as described below. The project proposal is for a helistop with one landing zone that will be entirely within the parcel boundary of the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. Policy PRT-S-5 of the Summerland Community Plan states that “new development shall not adversely impact existing recreational facilities and uses.” The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter flying overhead and during landing or taking off events at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events would degrade the quality of nearby recreational trails. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed project would not comply with the recreation policies of the Comprehensive Plan and this finding cannot be made.

**2.2 ARTICLE II, CONDITIONAL USE PERMIT FINDINGS**

**Findings required for Conditional Use Permit applications subject to Section 35-172.8.** In compliance with Section 35-172.8 of the Article II Zoning Ordinance, a Conditional Use Permit shall only be approved if all of the following findings are made:

**2.2.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The Board finds that the project site is inadequate in location and physical characteristics to accommodate the proposed helistop due to the proximity to the surrounding residential neighborhood and existing trails that are immediately adjacent to the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary.

The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter landing or taking off at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events are incompatible with the surrounding neighborhood and adjacent trails. They would interfere with the quiet enjoyment of residences in the area and degrade the quality of nearby recreational trails. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed site is inadequate in terms of location and physical characteristics and this finding cannot be made.

**2.2.2 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 proposed helistop is incompatible with the surrounding area due to the proximity to the surrounding residential neighborhood and existing trails that are immediately adjacent to the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter landing or taking off at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events and regular take-offs and landings would be detrimental to the surrounding neighborhood and adjacent trails. They would interfere with the quiet enjoyment of residences in the area and degrade the quality of nearby recreational trails. These loud and percussive noise events may startle horses

riding on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed helistop may be detrimental to the safety, convenience, and general welfare of the neighborhood. Therefore, this finding cannot be made.

**2.2.3 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.**

The Board of Supervisors finds that the proposed helistop is not subordinate to the scenic character of the area. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events and regular take-offs and landings are incompatible with the scenic character of the surrounding area. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The loud and percussive noise events caused by regular helicopter landings and take-offs, which generate a unique and disruptive type of sound, would interfere with the quiet enjoyment of residences in the area and degrade the quality of nearby recreational trails. Use of the site for regular helicopter landings and take-offs would also harm the scenic and visual qualities of this coastal area. The proposed helistop would also adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter landing or taking off at the site. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed helistop is incompatible with the scenic and rural character of the area and this finding cannot be made.