

**ATTACHMENT 1-A: FINDINGS FOR CASE NOS.**  
**22AMD-00000-00005 AND 22CDP-00000-00079**

**1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**1.1 ADDENDA TO ENVIRONMENTAL IMPACT REPORT (EIR) OR NEGATIVE DECLARATION**

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE STATE CEQA GUIDELINES SECTIONS 15162 AND 15164:

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

The Board of Supervisors has considered the Addendum dated June 28, 2023, together with the previously certified Environmental Impact Report (EIR) Case No. 04EIR-00000-00006 (Attachment 3 of the Board Agenda Letter dated July 11, 2023, incorporated herein by reference). The Addendum reflects the independent judgement of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the previously certified EIR, is adequate to fulfill the environmental review requirements of the proposed project. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Board of Supervisors finds that the proposed 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 the State CEQA Guidelines Section 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 Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

**1.1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and State 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 Revised Development Plan Amendment addresses the following issues: historic resources, aesthetics/visual resources, air quality,

archaeological resources, biological resources, geologic processes, land use, noise, transportation and parking, and water resources/drainage. There are no substantial changes to the Revised Development Plan (Case No. 03DVP-00000-00002) that will cause new significant environmental effects or a substantial increase in severity of previously identified significant effects. As discussed in detail in the Addendum prepared for the proposed Amendment (Attachment 3 of the Board Agenda Letter dated July 11, 2023, incorporated herein by reference), the Amendment will modify Condition Nos. 3 and 22 of the Revised Development Plan conditions to allow limited public use of the existing second floor Coral Casino Restaurant, reduce the Coral Casino monthly membership allowance for members of reciprocal clubs, eliminate the Coral Casino seasonal membership allowance for Biltmore Hotel guests, eliminate the Coral Casino regular use allowance for registered overnight Biltmore Hotel guests, and reduce the maximum number of permitted Biltmore Hotel guestrooms/keys. The Addendum provides substantial evidence that the proposed Amendment is within the scope of the previously certified EIR, and that it will not result in new significant effects or a substantial increase in the severity of previously identified significant effects as compared to the Revised Development Plan analyzed in the EIR.

No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, no new significant effects have been identified, and there will be no substantial increase in severity of previously identified significant effects. Additionally, no new information of substantial importance shows that the proposed Amendment will have significant effects not discussed under the previous environmental review for the approved Revised Development Plan, no significant effects will be substantially more severe than previously shown, and no new mitigation measures or alternatives have been found feasible that the applicant has declined to adopt. Therefore, the County of Santa Barbara as the Lead Agency for the proposed project prepared an Addendum to the previously certified EIR, pursuant to the State CEQA Guidelines Section 15164, to reflect the changes to the EIR required by the Amendment.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 DEVELOPMENT PLAN AMENDMENT FINDINGS**

**A. *Development that may be appealed to the Coastal Commission. In compliance with Section 35-174.10.2 of Article II, the Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Final Development Plan that would allow for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:***

- 1. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the***

***Amendment and the Coastal Development Permit.***

The Board of Supervisors finds that the original findings required for approval of the Revised Development Plan, 03DVP-00000-00002, included as Attachment 1-B, to the Board Agenda Letter dated July 11, 2023, incorporated herein by reference, remain valid to accommodate the project as revised by the proposed Amendment. As discussed in Sections 6.2 and 6.3 of the Montecito Planning Commission Staff Report dated March 7, 2023, the proposed Amendment is consistent with all applicable requirements of Article II, the Coastal Zoning Ordinance, and the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan. The proposed Amendment will modify conditions of approval related to ongoing operation of the existing Biltmore Hotel and Coral Casino. The proposed Amendment does not involve any change of use of the existing permitted development and will make no change to neighborhood compatibility. Additionally, the proposed Amendment does not involve any new structural development or exterior alterations to existing development, and no additional services or access will be required as a result of the proposed Amendment.

Furthermore, as discussed in the Addendum, Attachment 3 to the Board Agenda Letter dated July 11, 2023, incorporated herein by reference, the proposed Amendment will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment and therefore the previous environmental review findings remain valid.

2. ***That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.***

The Board of Supervisors finds that the environmental impacts related to the development proposed by the Amendment are substantially the same or less than those identified during the processing of the previously approved Revised Development Plan. As discussed in the Addendum, Attachment 3 to the Board Agenda Letter dated July 11, 2023, incorporated herein by reference, the proposed Amendment will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment. The existing mitigation measures remain applicable to the project. Therefore, the environmental impacts related to the proposed Amendment will be substantially the same as those identified under the previously approved Revised Development Plan.

## **2.2 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 Section 6.2 of the Montecito Planning Commission Staff Report dated March 7, 2023, incorporated herein by reference, existing public services are adequate to serve the proposed project. No new or additional services or access will be required for the proposed project. The property will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Additionally, the project site will continue to be accessed from Channel Drive. The proposed project was reviewed by the Public Works Department - Transportation Division and the existing roads providing access to the project site were determined to be adequate to support proposed project traffic.

**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 March 7, 2023, incorporated herein by reference, the proposed project, as conditioned, complies with the applicable provisions of the Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal Land Use Plan.

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

The Board of Supervisors finds that the proposed project is located on a legally created lot. The property is recognized as a legal lot through the extensive permit history beginning with the approval of the Conditional Use Permit No. 37-CP-1 in 1937.

**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 Sections 5.2, 6.2, and 6.3 of the Montecito Planning Commission Staff Report dated March 7, 2023, and incorporated herein by reference, 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 the Article II Coastal Zoning Ordinance. All development on the property has been permitted in accordance with the County ordinances in effect at the time of the development.

**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 Board of Supervisors finds that the proposed project will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. The proposed project does not involve any new structural development or exterior alterations to existing development. Accordingly, the proposed project will have no effect on existing public views.

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

The Board of Supervisors finds that the proposed project is compatible with the established physical scale of the area. The Biltmore Hotel has been in operation since 1927, and the Coral Casino since 1937. Both the hotel and beach club have received various permits for additions and expansions, which have found that the development and uses are compatible in scale and character with the surrounding neighborhood. The proposed project does not involve any new structural development or exterior alterations to existing development. Additionally, the proposed project does not involve any change of use of the existing permitted development. Accordingly, the proposed project will make no change to neighborhood compatibility.

**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, as discussed in Section 6.2 of the Montecito Planning Commission Staff Report dated March 7, 2023, incorporated herein by reference, the project 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. Vertical and lateral access from the project property to and along the beach below is existing and accessible to the public. The proposed project does not involve any new structural development, exterior alterations to existing development, or alterations to existing coastal access. As such, the proposed project will not interfere with the public's right of access to the sea.