

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 NEGATIVE DECLARATIONS

1.1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Board of Supervisors has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

1.1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the mitigated negative declaration and any comments received, the Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.1.3 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 located at 105 E. Anapamu Street, Room 407, Santa Barbara CA, 93101.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15074(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.

2.0 ADMINISTRATIVE FINDINGS

2.1.1 MODIFICATION FINDINGS

A. Findings required for all Modifications. In compliance with Section 35-179.6 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Modification the decision-maker shall first make all of the following findings:

1. The project is consistent with the Coastal Act, Comprehensive Plan including

the Coastal Land Use Plan and any applicable Community Plan.

As discussed in Section 6.3 of the Planning Commission Staff Report, dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, Coastal Act and Coastal Land Use Plan. Therefore, this finding can be made.

2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and the Article II Coastal Zoning Ordinance.

As discussed in Planning Commission Staff Report, dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, and incorporated herein by reference, the proposed project complies with all requirements of the 10-R-1 zone district and the Article II Coastal Zoning Ordinance. Therefore this finding can be made.

3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review), and/or will result in greater resource protection than the project without such Modification.

The modification would allow a cumulative 146.7 sq. ft., or 2% of the 5,995 sq.ft. roof to extend a maximum of 2 feet 8 inches above the zoning height limit of 28 feet. The project is located in a flood hazard area and, as conditioned by Flood Control (Attachment 2.a., Condition No. 32), the lowest horizontal member of the dwelling must be 13.6 (NAVD 1988 datum) feet above mean sea level. This condition places the finished floor of the proposed dwelling at 15 feet above sea level. Further, the architecture of the proposed dwelling is defined by a 45 degree roof pitch. The proposed project was reviewed by the South County Board of Architectural Review (SBAR) on November 16, 2012, February 1, 2013, and March 1, 2013. On March 1, 2013, the SBAR moved to grant preliminary approval of the project based on good design and asked for the applicant to return for final approval following action by decision maker. Therefore, the Board of Architectural Review found that the proposed height Modification would result in better architectural design and this finding can be made.

4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.

Sand Point Road was initially developed around the 1940's/50's with seasonal beach cottages and has been redeveloped with larger homes over the years. This is reflected in the massing and architectural style of homes that exist along Sand Point Road today. The massing and architectural style of homes varies considerably, and includes modern, cape-cod, Mediterranean, and California bungalow style structures that range from estate-sized homes to beach cottages. Existing homes along Sand Point Road range from 1,530 sq.ft. (for a home built in 1958) to 7,043 sq.ft. (for a home built in 2003). The floor area ratio (FAR) for homes along Sand Point Road ranges from 0.9% to 23.5%, with an average of 5.2%. The proposed home would have total habitable area of 5,995 sq.ft. and a FAR of 2.2%. Thus, the proposed home is within the range of sizes and FAR of existing homes along Sand Point Road, and below the neighborhood average FAR. The proposed residence is of a modern architectural style which, as stated above, is already represented in a

number of homes along Sand Point Road. The proposed project received preliminary approval from the South County Board of Architectural Review (SBAR) on March 1, 2013. The SBAR found that the design of the project is a “successful design because even though it’s a large building, it’s broken up” and that it is a “strong piece of architecture.” (Please see the SBAR minutes, included as Attachment D of the March 14, 2018 Planning Commission Staff Report.) Therefore, the proposed project is consistent with, and would not result in adverse impacts to, the existing community character and aesthetics.

The proposed new dwelling would be located further away from the public beach than the existing dwelling and behind an existing rock revetment. Consequently, the proposed home would not block views up and down the public beach. Homes on Sand Point Road are distantly visible from Highway 101, which comes within approximately ¼ mile of the subject parcel. Ocean views from Highway 101 generally are not visible over the Sand Point Road community and are not visible in the area of the proposed development due to distance, existing vegetation, and the backdrop of the Santa Barbara coastline. Construction of the home would not detrimentally impact public views of the ocean as viewed from Highway 101. In addition, as discussed in Section 6.3 of the Planning Commission Staff Report, dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, both incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, Coastal Act and Coastal Land Use Plan. Therefore this finding can be made.

5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.

The proposed project does not request any Modification to parking or loading zone requirements and, therefore, this finding does not apply.

6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.

The proposed project includes widening of an existing access driveway in order to improve access to the site, and is in compliance with zone district parking requirements. Pool equipment would be enclosed in a mechanical room with noise abating insulation located approximately 51’-5” from the west property line and approximately 61’-0” from the east property line. The project includes the use of a high efficiency pool pump that will emit approximately 45 decibels at the source, which is already below the County’s standard of 65 decibels at the property line. Accordingly, the project would not negatively affect ambient noise levels. The proposed dwelling would be located outside of the required setbacks and would include windows to provide light, ventilation and ingress/egress per building code requirements. New exterior light fixtures proposed as a part of the project would be low wattage, hooded and directed downward. The proposed dwelling would be single story, with a roofline defined by multiple hips and gables, thereby allowing for corridors for solar exposure.

The applicant submitted a Shade/Shadow Study prepared by CAJA Environmental Services, LLC, dated November 13, 2017 (Attachment J to the March 14, 2018 Planning Commission Staff Report). The study includes a discussion and exhibits regarding the shading caused by the existing home on the subject property as compared to the proposed home. The study shows that the neighboring residences at

735 and 745 Sand Point Road are currently shaded at certain times of the year by the existing residence at 755 Sand Point Road but would receive reduced overall shading with the proposed project. Therefore, overall, the proposed project would result in improved solar exposure for the homes at 735 and 745 Sand Point Road, as compared to existing conditions. The study shows increases in shading of the garage structures at 735 and 745 Sand Point Road during certain times of the year; however, the Shade/Shadow Study notes that garages are not a “shadow-sensitive use.” Shadowing of the residence at 775 Sand Point Road would increase by 2 hours in the morning at the height of winter solstice. However, the shadowing would occur for only approximately 4.5 months of the year (personal communication with Seth Wulkan of CAJA Environmental Services, February 21, 2018). Considering both the improved (increased) solar exposure to 735 and 745 Sand Point Road, and decreased solar exposure to 775 Sand Point Road for a maximum of 2 hours or less for less than half the year, the proposed project would not have an overall detrimental impact to solar exposure on or off site. Therefore, the project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site, and this finding can be made.

7. Any adverse environmental impacts are mitigated to a level of insignificance.

As discussed in the Mitigated Negative Declaration (15NGD-00000-00006) (Attachment 6) that was prepared for the proposed project and incorporated herein by reference, all adverse impacts would be mitigated to less than significant, and this finding can be made.

2.2 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

2.2.1 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 subject property is currently and would continue to be served by the Carpinteria Valley Water District, Carpinteria/Summerland Fire Protection District, and Carpinteria Sanitary District. The Carpinteria/Summerland Fire Protection District reviewed the proposed project and found the proposed driveway expansions included in the project to be acceptable for fire access requirements. Access would continue to be provided via Sand Point Road. Therefore, this finding can be made.

- 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. [CDPs that are processed in conjunction with a discretionary permit and are appealable to the CCC] 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).**

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, 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 with all requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

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

The project is proposed on a legal lot created in its present configuration as recorded in Parcel Map 11,085, recorded September 29, 1969, in Map Book 6, page 33. Therefore this finding can be made.

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).

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, and incorporated herein by reference, the property would be 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. On August 27, 2015, the California Coastal Commission (CCC) issued a Notice of Violation indicating that the existing rock revetment on and along the southwest side of the properties located on Sand Point Road was expanded and modified in 1983 without the benefit of permits. The violation was issued to the Sandyland Protective Association and the County of Santa Barbara Public Works Department. It was not issued to the individual property owner at 755 Sandpoint Road. This required finding for approval pertains to violations of the County's Article II Coastal Zoning Ordinance. The property is not subject to a violation of the Article II Coastal Zoning Ordinance and therefore, the required finding for approval can be made. In addition, the Wave Study prepared for the proposed project demonstrates that the project can withstand sea level rise and wave uprush in the absence of the rock revetment and the home is located approximately 45 feet away from the existing revetment. Consequently, the construction of the project would in no way impede potential future solutions to the violation such as revetment removal or relocation. Therefore this finding can be made.

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 proposed new dwelling would be located farther away from the public beach than the existing dwelling, behind an existing rock revetment, and no closer to the beach than the structures on adjacent parcels. Consequently, the proposed home

would not block views up and down the public beach. The property is located on Sand Point Road, which is a private road. The nearest public roadway from which the project site is visible is Highway 101. Homes on Sand Point Road are distantly visible from Highway 101, which comes within approximately ¼ mile of the subject parcel. Ocean views are generally not visible over the Sand Point Road community and are not visible in the area of the proposed development due to distance, viewing angle, and existing vegetation. The proposed residence would replace and existing residence and is in character with existing surrounding development in terms of continuing a continuous skyline beachside residences as viewed from Highway 101. Therefore, the proposed development would not significantly obstruct public views of the ocean as seen from Highway 101. Therefore, the development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast, and this finding can be made.

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

Existing homes along Sand Point Road range from 1,530 sq.ft. (for a home built in 1958) to 7,043 sq.ft. (for a home built in 2003). The floor area ratio (FAR) for homes along Sand Point Road ranges from 0.9% to 23.5%. The proposed home would have total habitable area of 5,995 sq.ft. and a FAR of 2.2%. Thus, the proposed home is well within the range of square footage and FAR of existing homes along Sand Point Road, and below the neighborhood average FAR. The proposed residence is single level/single story above an uninhabitable understory space which is a result of the Flood Control requirement to elevate the living area of the structure. The majority of homes along Sand Point Road contain similar understory areas, which are driven by the Flood Control requirement to elevate homes above base flood elevation. Therefore, the proposed development will be compatible with the established physical scale of the area and this finding can be made.

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 proposed project will not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization. Public beach access would continue to be available at Carpinteria State Beach, located approximately 1.25 miles to the southeast of the subject parcel. Therefore, the development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan and this finding can be made.

C.

Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Coastal Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay District the decision-maker shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.

Section 35-97.9 establishes development standards for wetland habitats. Each applicable standard is listed and responded to below.

4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a

minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as: a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

The subject property abuts El Estero (Carpinteria Slough) and the on-site wetland is hydrologically connected to El Estero. Therefore, pursuant to the provision above, the project is not required to meet a 100 foot wetland setback. The project would be set back between 73 and 81 feet from the on-site wetland. No native wetland vegetation would be removed. Vegetation removed in any area less than 100 feet from the wetland (currently occupied by iceplant) is proposed to be removed and replaced with native vegetation pursuant to a proposed Restoration and Habitat Enhancement Plan. Therefore, the project is consistent with this Development Standard.

6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.

No wastewater would be discharged into the wetland. This subject property is, and will continue to be connected to and served by the Carpinteria Sanitary District. Therefore, the project is consistent with this Development Standard.

9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

Conditions have been applied to the proposed project that require preparation of an erosion and sediment control plan (Attachment 2a, condition 11) and designation of a washout area (Attachment 2a, condition 25) during construction. These measures would prevent contaminated runoff from exiting the construction site and would help to prevent pollution of surface, ground and ocean waters. To ensure that construction activities do not detrimentally impact the on-site wetland, MM-Bio-03 (condition 14) requires biological resource training for construction workers, MM-Bio-04 (condition 15) requires a biological monitor during construction activities, MM-Bio-05 (condition 16) prohibits construction during rain events and MM-Bio-06 (condition 17) requires that construction work and staging occur at the maximum feasible distance from the wetland.

The project will incorporate a variable wetland buffer extending south from the wetland area and ranging from 73 to 81 feet (with the exception of the required hydrant, which is located within the existing Sand Point road right-of-way, 8.7 feet from the wetland). The buffer area is currently defined by invasive ice plant and pampas grass, and would be restored to its natural state according to the proposed Restoration Plan. Restoration and maintenance of the buffer area will help to protect the on-site wetland and to restore the biological productivity of the buffer area. As the existing wetland is currently located adjacent to Sand Point Road and the existing on-site residence, there would not be permanent noise impacts associated with the proposed development. In order to reduce potential temporary noise impacts associated with construction activity, MM-Noise-02 (condition 20) limits the days and hours of construction and condition 22 provides for shielding of construction equipment. Therefore, the project is consistent with this Development Standard.

As discussed above, the proposed project would be consistent with all applicable development standards in Section 35-97.8 through Section 97.19. In addition, as discussed in Section 6.3 of the Planning Commission Staff Report, dated March 14, 2018, and in the August 28, 2018 Board Agenda Letter, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, Coastal Act and Coastal Land Use Plan. Therefore this finding can be made.