

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 Denial of the subject Recorded Map Modification is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(5) and State CEQA Guidelines Section 15270. Pursuant to County CEQA Guidelines, staff may file a Notice of Exemption when the action to deny becomes final.
- 1.2 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 Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development Department, located at 123 E. Anapamu St., Santa Barbara, CA 93101.

2.0 ADMINISTRATIVE FINDINGS

2.1 Findings for denial of the subject Recorded Map Modification

Pursuant to Section 21-15.9 of the Subdivision Regulations, modifications to recorded final or parcel maps, lot split plats or lot line adjustments shall be approved only if all of the following findings can be made:

2.1.1. *There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary;*

At the Planning Commission hearing of May 19, 2004, condition #69 from TM 14,532 was added to the project requiring all rear and side yard fencing to be constructed of masonry materials. Subsequently the applicant has requested that all rear and side yard fencing be constructed out of a wood type of material based on maintenance feasibility and installation costs. There have not been any changes in circumstances which would cause condition #69 to be no longer appropriate. Therefore, this finding cannot be made.

2.1.2 *The modification does not impose any additional burden on the present fee owner(s) of the property;*

The project is being acted on by the Planning Commission at the request of the present fee owners of the property. No additional undue burden has been identified by County staff, the applicant or the agent.

2.1.3 *The modification does not alter any right, interest or title reflected by the recorded final or parcel map, lot split plat or lot line adjustment;*

Neither the proposed RMM nor the anticipated future development would have any impacts on any right, interest or title of TM 14,532.

2.1.4 The recorded final or parcel map, lot split plat or lot line adjustment as modified conforms to the provisions of Section 66474 of the California Government Code;

The recorded parcel map as modified conforms to the provisions of Section 66474 of the California Government Code (i.e. it does not trigger any of the grounds for denial of a tentative or parcel map).

2.1.5 The recorded final or parcel map, lot split plat or lot line adjustment as modified is consistent with the applicable zoning ordinance;

The project site is suitable for residential development as permitted in the DR-3.3 Zone District. The proposed modification would not affect the density or type of development permitted in the DR-3.3 Zone District.

2.1.6 The property for which the modification is sought is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks, and any other provisions applicable to the property for which the modification is sought, and such enforcement fees as established from time to time by the Board of Supervisors have been paid;

The property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks. There existing development is permitted and there are no zoning violations on the property.

2.1.7 The recorded final or parcel map or lot line adjustment as modified does not result in an increased number of dwelling units or a greater density than the recorded final or parcel map or lot line adjustment.

The recorded parcel map as modified would not result in an increased number of dwelling units or a greater density than the existing condition.