

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e). Please see Attachment-2, Notice of Exemption.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit the review authority shall first find, 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 Montecito Water District, Montecito Sanitary District and Montecito Fire District. Access is provided off of Fernald Point Lane. Additionally, the Montecito Water District issued a Certificate of Water Service Availability acknowledging existing service to the site and acceptance of the proposed site and water usage changes. Therefore, this finding can be made.

2.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings:

2.2.1 The proposed development conforms:

- a. **To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 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 this Board Letter (dated February 7, 2012), Sections 6.2 and 6.3 of the Staff Report (dated August 5, 2011) and the Staff Memo to the Montecito Planning Commission (dated August 23, 2011), incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Montecito Community Plan and Coastal Land Use Plan, and with all requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

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

The subject property is shown as Lot B on Record of Survey Book 69, Page 57, dated May 1965. Therefore this finding can be made.

2.2.3 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 this Board Letter (dated February 7, 2012), Sections 6.2 and 6.3 of the Staff Report (dated August 5, 2011) and the Staff Memo to the Montecito Planning Commission (dated August 23, 2011), 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. The existing property is legal-nonconforming as to size. There are no zoning violations on the subject property. Therefore this finding can be made.

2.2.4 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 project would be in compliance with this finding and with Coastal Act Policy 30251, which states, *“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.”* The subject property does not abut the sandy beach because there is another parcel (1711 Fernald Point Lane) located between the subject parcel and the beach. Therefore, the project would not have the potential to block views along the beach. Currently, there are no significant public views to the beach from Fernald Point Lane through the subject property or adjacent properties as a result of dense vegetation and natural topography. This condition would remain unchanged and therefore the project would not result in the obstruction of public views from any public road or public recreation area to the coast. The project would not result in significant obstruction of views from the beach to the mountains. The proposed second story addition would be less than 23 feet in height and would have no potential to breach the skyline of the mountains beyond. Due to the existing topography of the site, distance from the public beach to the proposed addition (approximately 518 feet) and existing vegetation, any portion of the second story addition visible from the beach would be minimal and of insignificant impact. The proposed project is located on an existing developed and relatively flat lot and would not result in the alteration of natural landforms or topography. As discussed above, the development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore this finding can be made.

2.2.5 The development is compatible with the established physical scale of the area.

The surrounding neighborhood is comprised of both one and two story residences. Most residences are minimally visible from Fernald Point Lane due to existing dense vegetation, walls and entry gates. The proposed project would include a moderate expansion of the residence including a 422 square foot second floor residential addition, 159 square feet of first floor additions and a 169 square foot carport addition. These additions would be minimally visible from Fernald Point

Lane, consistent with surrounding properties. The proposed entry gates, wall and dense screening vegetation would be typical of residences in the Fernald Point Lane area. Following the proposed additions, the residence would be 23% over the recommended Floor Area Ratio. However, analysis of the surrounding neighborhood indicates that the neighborhood as whole is approximately 55% over the recommended Floor Area Ratio. Therefore, the square footage of the residence following the proposed additions would be compatible with the surrounding neighborhood. The proposed architectural style of the residence would be compatible with the existing residence and with the eclectic beach cottage style of the surrounding area. The proposed residential additions were reviewed by the Montecito Board of Architectural Review (MBAR), who found that the proposed increase in height due to the second story addition was “fairly modest.” The MBAR also indicated that they were “comfortable with mass, scale and height” of the structure. Therefore, the proposed development will be compatible with the established physical scale of the area, and this finding can be made.

2.2.6 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 would in no way 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 via Posilipo Lane, located approximately .2 miles west of the subject property. Therefore this finding can be made.

2.3 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the review authority shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.

The proposed project would in no way interfere with the public’s right of access to the sea (as discussed in Finding 2.2.6 above) and would not interfere with any trails or other recreational areas. Nearby public beach access would continue to be available via Posilipo Lane, located approximately .2 miles west of the subject property. Therefore this finding can be made.

2.4 In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

As discussed in this Board Letter (dated February 7, 2012), Sections 6.2 and 6.3 of the Staff Report (dated August 5, 2011) and the Staff Memo to the Montecito Planning Commission (dated August 23, 2011), incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan, including the Montecito Community Plan and Coastal Land Use Plan. Therefore, this finding can be made.

