

## ATTACHMENT 1 - FINDINGS

### **1.0 CEQA FINDINGS**

#### **1.1 CEQA EXEMPTION**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) [Common Sense Exemption]. See Attachment C (Notice of Exemption) to the staff report dated October 1, 2020 for a more detailed discussion of the CEQA exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

**2.1 Findings Required for Approval of Amendments.** In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, an application for an Amendment to the Comprehensive Plan, Development Code, or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment:

#### **2.1.1 The request is in the interest of the general community welfare.**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the project, which consists of a Zoning Map Amendment and a Comprehensive Plan Amendment for APN 011-070-002, is in the interest of the general community welfare. The parcel is currently zoned PU (Public Utilities) and designated UT (Public Utilities) and is developed with a water tank that has been inoperable since 2000. The amendments will allow single-family residential development on the parcel.

The subject parcel is surrounded by residentially zoned parcels, and parcels to the west, east, and south are developed with a single family residence. The parcel is also surrounded by a residentially zoned lot that is developed with a single family residence. It is in the best interest of the neighborhood for the subject parcel to be zoned Single Family Residential since the neighborhood consists primarily of residential development. The allowed uses in the PU (Public Utilities) zone consist of uses such as: wastewater treatment system, electrical substation, sewage treatment facility, and telecommunications facility. The purposes of the existing zoning for public utilities are no longer served, and there is no plan for the parcel to be used for public utility purposes in the future. The rezone of the parcel to residential would be consistent with surrounding parcels.

The subject parcel is currently surrounded by land use designations of SRR-0.33 (Semi-rural Residential, three acres minimum parcel size) to the east, SRR-0.5 (Semi-rural Residential, two acres minimum parcel size) to the south, MA-40 (Mountainous Area, one unit per 40 acres) to the west and north, and the surrounding parcel addressed as 1510 East Mountain Drive is designated as SRR-0.5 (Semi-rural Residential, two acres minimum parcel size). The re-designation of the subject parcel as Semi-rural Residential is in the interest of the general community welfare since it is consistent with the land use designations of the surrounding parcels.

#### **2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the request is consistent with the Comprehensive Plan because, as discussed in Section 6.2 of this staff report dated October 1, 2020 and incorporated herein by reference, the Zoning Map Amendment and Comprehensive Plan Amendment will be compatible with the surrounding neighborhood, will not change the community buildout level, and will not significantly affect the level of traffic on existing roadways. Future development will be required to comply with all policies in the Comprehensive Plan, including the Montecito Community Plan, regarding noise, aesthetics, fire, flood, biological and cultural resources, and grading.

The Board of Supervisors also finds that the request is consistent with State planning and zoning laws and this Development Code because, as discussed in Section 6.3 of this staff report, dated October 1, 2020 and incorporated herein by reference, the proposed Comprehensive Plan Amendment and Zoning Map Amendment would not authorize development. However, any future development would be required to comply with the requirements for the E-1 zone. Although the parcel does not meet the minimum parcel size of two acres for the 2-E-1 zone, it will be consistent with the surrounding zones and will allow for the parcel to be used. Additionally, there are other parcels in the vicinity zoned 2-E-1 that are also under two acres.

### **2.1.3 The request is consistent with good zoning and planning practice.**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the project is consistent with good zoning and planning practices because the amendments will allow future residential development on the subject parcel and the existing designation is not consistent with the surrounding uses. The current development on the parcel is no longer in use, as the water tank was rendered inoperable in 2000. The residential use of the parcel is consistent with the uses of the surrounding parcels, which are all zoned and designated residential. In addition, parcels to the east, west, and south of the subject property are developed with a single family dwelling. The Comprehensive Plan Amendment and Zoning Map Amendment will enable future residential development to occur in a residential neighborhood, resulting in good zoning and planning practice.

## **2.2 Additional Finding for Comprehensive Plan Amendments**

### **2.2.1 If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.**

The Montecito Planning Commission finds and recommends that the Board of Supervisors finds that the request is deemed to be in the public interest because the subject parcel is currently developed with a water tank that has been inoperable since 2000. The subject parcel is surrounded by residentially zoned and designated parcels, and parcels to the west, east, and south are developed with a single family residence. The Zoning Map Amendment and Comprehensive Plan Amendment will allow for future residential use of the parcel and for the parcel to be consistent with the surrounding development.