

ATTACHMENT 1 – FINDINGS

Case No. 24APL-00008

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

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 15301(a) and Section 15331. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LAND USE PERMIT FINDINGS

Finding required for all Land Use Permits. In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.

The Board of Supervisors finds that adequate services are available to serve the project. The parcel is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. The scope of work, which consists of minor interior and exterior alterations to an existing 831-square-foot residence, does not trigger the need for new or additional services.

2.1.1 Findings required for all Land Use Permits. In compliance with Subsection 35.472.110.E.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

1. The proposed development conforms:

- a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
- b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).**

The Board of Supervisors finds that the proposed development conforms to all applicable policies of the Comprehensive Plan, including the Montecito Community Plan. There are adequate services on the subject parcel, the development is in conformance with the existing community, the development complies with the noise policies in the Comprehensive Plan, and the project is consistent with the purpose and intent of the R-1 Zone, as discussed in Section 6.3 of the Montecito Planning Commission Staff Report dated January 2, 2024, included as Attachment 12, and incorporated herein by reference.

The proposed development also falls within the limited exceptions allowed in compliance with Chapter 35.491 (Nonconforming Structures) with respect to front and rear setbacks, and parking

standards. The main residence and carport are considered legal non-conforming as to the setback requirements for the zone because the structures were built in 1949, prior to existing setback requirements. The proposed exterior alterations will not increase the non-conformance. Onsite parking consisting of one covered and one uncovered space will remain per Land Use Rider, Permit #66664, dated June 4, 1976. The property was permitted with the one-car carport, therefore the site is legal non-conforming as to the requirement for covered parking (two covered spaces).

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

The Board of Supervisors finds that the development is located on a legally created lot. The lot was subdivided in 1940 with the portion encompassing the studio and carport becoming a 0.17-acre, 7,405 square-foot lot with a street address of 539 Periwinkle Lane. County of Santa Barbara Land Use Rider #59415 and #66664 have also been issued onsite in 1973 and 1976, respectively.

3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, 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 Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

The Board of Supervisors finds that the subject property and development is in compliance with all applicable provisions of the MLUDC because the proposed project is consistent with the purpose and intent of the 20-R-1 Zone and is considered legal non-conforming to the setback and parking requirements for the zone. The proposed exterior alterations to the existing residence will not increase the non-conformance. The project, if approved, will abate the zoning violations on the parcel, and all processing fees are paid to date.

2.1.2 Findings required for all Design Review applications. In compliance with Subsection 35.472.070.F.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for Design Review the review authority shall first make all of the following findings:

1. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.

The Board of Supervisors finds the existing footprint, massing, and scale of the building will not be appreciably altered. Consequently, the building's spatial relationship with its setting will not change. The house retains many features of its original design characteristic motifs of Moody's cottage style aesthetic, including a small-scaled footprint and the proposed roof material change to asphalt shingles aides in the house's ability to convey its original architecture.

2. Electrical and mechanical equipment will be well integrated into the total design concept.

The Board of Supervisors finds the electrical and mechanical equipment is well integrated into the total design concept. The project does not include the addition of electrical or mechanical equipment onsite beyond what exists.

3. There will be a harmony of color, composition, and material on all sides of a structure.

The Board of Supervisors finds that implementation of the project will not materially impair the house's integrity of design, materials, and workmanship and that there will be harmony of color, composition, and materials. The house has retained most of the original exterior style, including much of its board-and-batten walls, three of its original windows, and portions of its roof assembly. As part of the approval, any replacement board and batten siding shall match the original in material and appearance and all replacement windows shall match the appearance of the house's historic window types in regard to the type and appearance of glazing bars. Additionally, the roof material of the residence and carport will be 'Max Def Shenandoah' asphalt shingles with the windows painted 'Swiss Coffee' white to convey the character of its original construction materials. Per the direction of the Montecito Board of Architectural Review, the project is conditioned to paint the exterior a more neutral shade of white [Sherwin-Williams Incredible White (SW #7028)] (Condition of Approval No. 1 in Attachment B).

4. There will be a limited number of materials on the exterior face of the structure.

The Board of Supervisors finds that there is a limited number of materials on the exterior face of the structure because the materials include the board-and-batten walls, three of its original windows, and asphalt shingle roof. Additionally, the structure will be painted Sherwin-Williams Incredible White. The carport and residence will both have a 'Max Def Shenandoah' asphalt shingles for the roofing and board and batten siding to convey the character of its original construction materials.

5. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.

The Board of Supervisors finds that the project is a modest example of the Moody Sister's characteristic cottage aesthetic that contributes to a larger grouping of Moody-designed houses on Periwinkle Lane, and the house retains the integrity of design with the proposed project and conditions. The residence is located close to the street frontage and the house forms part of a streetscape composed of several Moody-designed houses. The surrounding neighborhood is characterized by smaller residential development on large estates, winding streets, extensive oak groves and sycamore trees and lack of street improvements such as sidewalks and streetlamps, characterize its semirural setting.

6. Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).

The Board of Supervisors finds that the site layout, orientation, and location of structures and signs is in an appropriate and well-designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site because the project allows for exterior and interior alterations to the existing residence. The floor plan is not proposed to change. The northeastern section of the residence will increase in height, while still remaining below the existing maximum height of the residence, 13-feet. The residence and

accessory structures will not impact the semi-rural character of the neighborhood including the visibility of scenic corridors or views of the hillsides.

- 7. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.**

The Board of Supervisors finds the project will provide adequate landscaping in proportion to the project site because the project is for alterations to an existing residence with existing landscaping, and no trees or existing vegetation is impacted by the project.

- 8. Grading and development is designed to avoid visible scarring and will be in an appropriate and well-designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.**

The Board of Supervisors finds the project will not create visible scarring to the topography of the site because no grading is proposed. The project is for alterations to an existing residence that will not change the footprint of the structures.

- 9. Signs including their lighting are well designed and will be appropriate in size and location.**

The Board of Supervisors finds that the project complies with this finding because no signs are proposed as part of the project.

- 10. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection 35.472.070.G. (Local design standards).**

The Board of Supervisors finds that, as reflected in the Montecito Board of Architectural Review (MBAR) and Montecito Planning Commission (MPC) review and approval of Preliminary Design Review for the project, the project has been presented in consideration of all elements of the Montecito Architectural Guidelines and Development Standards (MAGDS), updated on February 27, 2018. The proposed changes to the roof height and doors, windows, and siding are compatible with the existing community and the neighborhood, and they comply with all components of the MAGDS, including neighborhood compatibility, architectural style, and architectural features, materials, and colors. The house retains many features of its original design characteristic motifs of Moody's cottage style aesthetic, including a small-scaled footprint and the proposed roof material change to asphalt shingles aides in the house's ability to convey its original architecture. The MAGDS do not establish mandatory requirements, and as specified above, all findings required by Section I.E of the MAGDS can be made.