

## ATTACHMENT 1: FINDINGS

### 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 Sections 15301(l), 15303(a) and 15303(e). Please see Attachment 3 of the May 15, 2018 Board hearing letter, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 DESIGN REVIEW FINDINGS

**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.*

Floor Area studies (Please see Attachment H of the staff report dated December 12, 2017 which is incorporated herein by reference) submitted by the applicant show that at least 10 of the 17 surrounding properties, including that of the appellant, exceed Floor Area guidelines by an average of 20% (homes measure between 108% to 179.16% of allowable Floor Area under the guidelines). The proposed structure is 109% of Floor Area guidelines. The relationship between structures on the site is appropriate in respect to their sizes, locations, and uses. The residence's siting is broken up to reduce impression of mass, with articulated elements on the rear to soften the north elevation. The finished floor of the proposed residence is approximately 3 feet below the finished floor of the existing residence located on the northern Parcel 1, and the structure will have a maximum roof ridge height approximately 1 foot lower than the maximum roof ridge of the existing residence. Additionally, the proposed residence roof ridge will be lower than the finished floor of the appellant's deck, protecting neighboring private views over the roof to the ocean beyond. Finally, the residence directly to the west of the project site is sited similarly to the proposed project - towards the rear of the lot in a linear east-west

orientation and has no break in its primary ridgeline. This finding can be made.

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

Electrical and mechanical equipment, including the generator, the pool equipment, and the water tanks, is designed to be unobtrusive and well integrated into the design of the home and gardens.

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

Project plans show a consistency of materials and composition on all sides of the structures. Additionally, the preliminary material board for the project (see Attachment J of the staff report dated December 12, 2017 which is incorporated herein by reference) shows a limited number of materials and colors reflecting the care put into the design, and the style and context of the home and accessory structures.

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

The residence will be clad in stone and have consistent fenestration in balanced compositions on all side of the structure. The preliminary material board includes grey stone veneer on the main house, natural light stucco siding on the accessory structures, natural douglas fir timber trellis and headers, copper gutters, bronze with zinc grey patina trim, and green stone slate for the roofs. This color and materials board represents a limited number of materials allowing the composition to blend into the surrounding estate development.

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 project design is compatible with area development in respect to size, bulk, scale and height. The structure measures approximately 20' -4¾" in height from finished floor, and is lowered into the site through excavation of up to three feet from existing grade. The massing respects views and the setbacks adequately address privacy for the properties immediately adjacent to the subject lot. "The project site is large enough to present its own style", according to the MBAR, however, it is designed to a Mediterranean architectural style consistent with other estates in the Montecito planning area.

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 project site has supported two residences and accessory structures since the 1980s. The proposed project represents a decrease in the overall intensity of use of the site insofar as only one family will occupy the site. The main residence and accessory structures step down the hillside and are appropriately oriented around a central garden including a swimming pool. There are no public views of the site.

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 proposed landscape plan comprehensively addresses the entire site. Species have been preliminarily determined appropriate for private view protection as well as for low water use. However, the planting design will be refined for final review and approval by the MBAR and the MBAR directed the applicant to restudy the choice and locations of proposed olives and stone pines (see Sheet L1.0 of Attachment G of the staff report dated December 12, 2017 which is incorporated herein by reference).

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 existing site is already graded to support two homes and a swimming pool. Proposed grading of the site, equal to 4,800 c.y. of earth movement, will step down the hillside in a manicured landscape plan consistent with the aesthetic of surrounding estate development.

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

The proposed project includes no signage.

*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).*

As discussed throughout section 6.1 and in 6.5 of the Montecito Planning Commission staff report dated December 12, 2017 incorporated herein by reference, the project is consistent with the Montecito Design Guidelines, including with respect to view protection and consideration of existing neighborhood development.

## **2.2 LAND USE PERMIT FINDINGS**

**A. Finding required for all Land Use Permits.** *In compliance with Section 35.430.100.A 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 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.*

As discussed in Section 6.3 of the Montecito Planning Commission staff report dated December 12, 2017 and incorporated herein by reference, adequate public services are available to serve the project. Therefore, this finding can be made.

**B. 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 the Montecito Community 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).*

As discussed in Sections 6.3 and 6.4 of the Montecito Planning Commission Staff Report, dated December 12, 2017, and incorporated herein by reference, the proposed project is in compliance with all applicable provisions of the County Comprehensive Plan, including the Montecito Community Plan, and with applicable zoning requirements of the Montecito LUDC, respectively. Therefore, this finding can be made.

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

The project site comprises two legal parcels which will be merged through a voluntary lot merger. Parcel 1 (APN 007-110-001) was created by deed to Edith Donny Lomping, recorded November 22, 1946 as Instrument No. 17555 in Book 710, Page 46 of Official Records. Parcel 2 (APN 007-110-002) was created by deed to Edith Donny Lomping, Recorded October 17, 1945 as Instrument No. 11470 in Book 656, Page 311 of Official Records. Additionally, County Building Permits have been obtained for the construction of single family residences on both lots. Therefore, this finding can be made.

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).*

As discussed in Section 6.1 and 6.4 of the Montecito Planning Commission staff report, dated December 12, 2017 and incorporated herein by reference, the proposed project would be in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the Montecito LUDC. The existing attached garage on Parcel 2 encroaches approximately 2'-6" into required interior setback but the structure would be demolished to correct the non-conforming portion of the structure. Therefore, this finding can be made.