

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Sections 15301 [Existing Facilities] and 15303 [New Construction or Conversion of Small Structures] of the State CEQA Guidelines. See Attachment C for a more detailed discussion.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

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:

2.1 The proposed development conforms:

- a. To the applicable provisions 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 under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.3 and 6.4 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (Attachment 6 to the Board Letter dated October 21, 2014), the project would conform to all applicable provisions of the County Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. The proposed project, consisting of the demolition of an existing single-family dwelling and garage and construction of a new dwelling, garage and guesthouse would be developed in proportion (size, bulk, scale and height) to the surrounding neighborhood and consistent with the applicable Article II zoning requirements for the E-1 zone.

The subject property is located within an urban, coastal, developed neighborhood in the E-1 zone district. Pursuant to Article II, Section 35-71.1:

“The purpose of this district is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare, and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life.”

As discussed in Section 6.1 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (attachment 6 to the Board Letter dated October 21, 2014), the proposed project for the demolition of the existing dwelling and garage and the construction of a new dwelling, garage and guesthouse would be consistent with surrounding residential development and uses. Furthermore, the development would be situated in the rear of the lot and would be constructed within the area where the

existing dwelling and garage are located. Therefore, the proposed project would be consistent with the purpose and intent of the E-1 zone.

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

The subject parcel is considered to be a legally created lot for planning purposes as it is currently developed with an existing single-family dwelling and has been validated by prior issuance of a County Building Permit. Therefore, this finding can be made.

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).

The subject property and all existing and proposed development are in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of Article II, the Coastal Zoning Ordinance. Therefore this finding can be made.

2.4 The proposed 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 will be constructed on a portion of the site already developed with an existing dwelling and garage and will be the same overall height as the current dwelling so as to not add any new adverse effects to existing vistas and viewpoints. Additionally, as proposed, the project will not obstruct any public views from any public road or from a public recreation area to, or along the coast because of its distance from the coastline. Therefore, this finding can be made.

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

As discussed in Sections 6.1, 6.3 and 6.4 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (Attachment 6 to the Board Letter dated October 21, 2014), the proposed project for the demolition of the existing 3,972 [gross] sq. ft two-story single-family dwelling and 530 [gross] sq. ft. garage and the construction of a new 5,344 [gross] sq. ft. two-story dwelling and a 1,023 [gross] sq. ft. garage with a 825 [gross] sq. ft. guesthouse above, will be compatible with the established physical scale of the area. Furthermore, during its June 21, 2013 and July 25, 2014 reviews of the project, SBAR stated that the mass, bulk and scale of the project was appropriate and that the project was compatible with the surrounding neighborhood. Therefore, this finding can be made.

2.6. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in Section 6.3 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (Attachment 6 to the Board Letter dated October 21, 2014), the proposed project will be consistent with all applicable public access and recreation policies of the Comprehensive Plan, including the Coastal Land Use Plan. Therefore, this finding can be made.

2.7. In compliance with Section 35-60.5, adequate services and resources shall be available to serve the proposed development.

The parcel will continue to be served by the Montecito Water District (see Attachment G of Attachment 6 the Board Letter dated October 21, 2014), a private onsite septic system, the Santa Barbara County Sheriff and the Montecito Fire Department. Access to the site will continue to be provided off of Toro Canyon Road. Therefore, this finding can be made.

2.8 Pursuant to Section 35-194.4 of Article II (Coastal Zoning Ordinance), a Coastal Development Permit shall only be approved if the following additional Finding is made:

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

The proposed development is in conformance with all applicable policies of Article II, Coastal Zoning Ordinance, the Coastal Land Use Plan and the Toro Canyon Plan, as discussed in Sections 6.1, 6.3 and 6.4 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (Attachment 6 to the Board Letter dated October 21, 2014). Therefore, this additional finding can be made.

2.9 Additional Findings:

Coastal Land Use Plan Policy 9-1.

Appeal of Walker CDH Approval for Demo/New Dwelling

Case No. 14APL-00000-00009

Hearing Date: November 4, 2014

Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

As discussed in Section 6.3 of the Planning Commission staff report, dated August 7, 2014 and incorporated herein by reference (Attachment 6 to the Board Letter dated October 21, 2014), the proposed development on the subject parcel is approximately 50 feet from a mapped ESH-Riparian Corridor and is separated from the ESH by a landscaped area. All potential impacts to the riparian corridor will be minimized by implementing best management practices (BMPs) (Condition #6 of Attachment 2 to the Board Letter dated October 21, 2014). Therefore, this finding can be made.