

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed modified project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines). Please see Attachment B, Notice of Exemption.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1 Finding Required for all Coastal Development Permits, Section 35-60.5 of the Coastal Zoning Ordinance

Prior to issuance of a Coastal Development Permit, the County shall make the finding, 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 applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated on the Land Use Plan or zoning maps. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.

Environmental Health Services (EHS) has reviewed and is prepared to approve a single parcel water system for the proposed residence (Permit Number SR 0107050). EHS is also prepared to approve an on-site septic system for the project (Permit Number 0019499). Access to the subject parcel is from an existing frontage road adjacent to Highway 101. This road is paved, well maintained and provides adequate access to the subject parcel. The County Fire Department provides fire protection services to the subject parcel. The proposed driveway would meet the Fire Department's development standards for private driveways serving one residence. Therefore, this finding can be made.

2.2 Findings Required for Coastal Development Permit Applications Subject to Section 35-169.4.1 of the Coastal Zoning Ordinance (Coastal Development Permits for Development that is not Appealable to the Coastal Commission)

2.2.1 *The proposed development conforms . . . To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan.* [Section 35-169.5.1.a.(1)]

The project conforms to the visual resources, hillside and watershed, public services, environmentally sensitive habitat areas, cultural resources, recreation resources and other applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan (CLUP). Therefore, this finding can be made.

Visual Resources. The following Visual Resources policy applies to the proposed project:

Coastal Land Use Plan Policy 4-3/Comprehensive Plan Visual Resources Policy 2: *“In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.”*

The modified project conforms to this policy. The building site is on a portion of the subject parcel that can only be seen at long distances from public viewing places. For instance, the distance from this portion of the subject parcel to the closest point on Highway 101 from where it can be seen is approximately 2 miles. The residence and guest house have been sited and designed so they will not be visible from public viewing places. The applicant selected the building site after erecting story poles of the proposed structures and using field observations and cross sections to analyze their potentially visibility. The applicant selected the site that was least visible from public viewing places.

The building site and surrounding area are predominantly open, non-native grassland. In part, the modified project is compatible with this setting because the proposed residence and guest house will have a low profile. As stated in the applicant’s project description, the residence and guest house will have a maximum absolute height of approximately 17 feet, 6 inches and 13 feet, respectively. (The applicant defined height as the vertical distance between the finished grade and the uppermost point of the structure directly above that grade. Section 35-127 (Height) of the Coastal Zoning Ordinance defines height as the vertical distance between the existing grade and the uppermost point of the structure directly above that grade. Using this definition, the residence and guest house will have a maximum height of approximately 10 feet and 12 feet, respectively.) The design also incorporates non-reflective, earth-tone colors and building materials that will fit with the surrounding natural environment.

The scale of the modified project is compatible with the character of the surrounding natural environment. The project is located on a large parcel (287 acres) in an area designated as rural under the Comprehensive Plan. The applicant reduced the scale of the proposed residence by more than 1,000 square feet (17,605 to 16,330 square feet, gross floor area). However, the residence will appear smaller because the basement/garage (4,776 square feet, gross floor area) is below grade. The applicant also reduced the scale of the project by reducing the project’s overall footprint. For example, the modified project is more compact than the original project because the

guest house was moved closer to the residence, the pool/lawn area was reduced, and the circular motor court was eliminated.

The building site is a south-facing slope and the proposed residence has a rectangular shape. The applicant oriented the residence and adjoining driveway to follow (parallel) rather than cross (perpendicular) the natural contours of the building site. This design reduces grading and helps the project blend with the existing grade and natural landforms. The proposed driveway leading to the building site is on moderate to steep slopes. It has been sited and designed to follow the natural contours while minimizing visibility from Highway 101 and meeting the Fire Department's development standards for private driveways.

The proposed residence has been designed and sited so it will not intrude into the skyline as seen from Highway 101 and other public viewing areas. As originally and currently proposed, the project includes lowering the existing grade and employing a low profile design to minimize the height and visibility of the residence. The applicant recently made additional revisions to lower the height of the residence in the modified project, including lowering the plate heights of the walls and altering the design and lowering pitch of the roof.

Hillside and Watershed Protection. The following Hillside and Watershed Protection policies apply to the project:

Coastal Act Policy 30251: “. . . development shall be sited and designed . . . to minimize the alteration of natural land forms . . . ”

Coastal Land Use Plan Hillside and Watershed Protection Policy 3-13/Comprehensive Plan Hillside and Watershed Policy 1: “Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.”

Coastal Land Use Plan Policy 3-14/Comprehensive Plan Hillside and Watershed Policy 2: “All development shall be designed to fit the site topography . . . and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms . . . shall be preserved to the maximum extent feasible . . . ”

The modified project conforms to these policies. The building site includes moderate slopes. The project employs various measures to reduce the footprint of the project and, therefore, minimize grading and the alteration of natural landforms. For example, the modified project reduced the size of the residence, shifted the guest house closer to the residence, reduced the pool/lawn area and eliminated the circular motor court. In addition, it reduced the amount of area disturbed by cut and fill operations by increasing the slope of the driveway, exporting 6,500 cubic yards of excess cut material, and adding a retaining wall immediately north of the residence and driveway. These measures reduced the grading from approximately 56,000 to 23,800 cubic yards of cut and fill. Given the size and layout of the modified project, the applicant has taken all practical and customary measures to comply with the policies requiring projects to minimize cut and fill operations, fit the site topography and minimize the alteration of natural landforms.

Some of the grading is necessary to help the project conform to the visual resources policies. For example, lowering the finished grade increases grading but also reduces the elevation of the roofline and ensures that the residence will not be seen from Highway 101 and other public viewing places. This design also ensures that the residence will not intrude into the skyline as seen from public viewing places. On January 15, 2010, CBAR reviewed the modified project and concluded, “. . . Grading is a balancing act, and sometime better design dictates more grading. The project has achieved the appropriate balance.”

Public and Private Services. Policy 2-6 of the CLUP requires that adequate services are available to serve proposed development. The project would conform to this policy. As discussed in Section 2.1 above, Environmental Health Services recently reviewed and is prepared to approve water and septic systems for the project (Permit Numbers SR 0107050 and 0019499, respectively). Access to the subject parcel is from an existing, paved frontage road.

Environmentally Sensitive Habitat Areas. The CLUP contains policies to protect biological resources, including Policy 9-1 (environmentally sensitive habitat), Policy 9-36 (native vegetation), and Policy 9-37 (streams). The project conforms to these policies. The subject parcel is predominantly open, non-native grassland. No recorded sensitive plants, sensitive wildlife habitat, or other designated Environmentally Sensitive Habitat Areas exist on the subject parcel. An intermittent stream is located approximately 350 feet east of the building site. The project would not have any direct impacts on this creek. Nonetheless, the conditions of approval require a washout area and erosion and sediment control plan to prevent sediment, polluted water, and construction materials from affecting the creek.

Archaeological and Historical Resources. The CLUP includes policies to protect and preserve archaeological and historic resources, including Policy 10-1 and Policy 10-2 (avoid cultural resources). The project would conform to these policies. No recorded prehistoric, historic or archaeological resources exist on the subject parcel. To protect unknown archaeological resources, the conditions of approval require the applicant to stop work and take other appropriate measures if archaeological resources are encountered during construction activities.

Coastal Access and Recreation. The Comprehensive Plan includes policies to protect recreation resources, including Policy 7-1 of the CLUP (coastal access) and Parks and Recreation Policy 4 (preserve and improve hiking and equestrian trails). The project conforms to these policies; it would not affect coastal access or recreation facilities. The subject parcel is located north of Highway 101 and approximately ¾-mile northwest of Refugio State Beach. There is no proposed or existing public access to the beach or other coastal areas through the subject parcel. Highway 101 separates the subject parcel from the western limit of Refugio State Beach. No additional parks, trails or other recreation facilities located or proposed on or adjacent to the subject parcel.

2.2.2 *The proposed development conforms . . . With the applicable provisions of this Article [Coastal Zoning Ordinance] . . . [Section 35-169.5.1.a.(2)]*

The boundary of the Coastal Zone crosses the northern tip of the subject parcel. The portion of the subject parcel north of this boundary totals approximately 6.5 acres and is located within the Inland Area. The balance of the subject parcel is south of this boundary and is located within the

Coastal Zone. The proposed water line and 30,000 gallon water storage cistern are the only features of the modified project that are located within the Inland Area and subject to the Land Use and Development Code. However, Section 35.21.030 of the Land Use and Development Code does not require a zoning permit (exempt) for a water system with one connection. The proposed water line and cistern are part of a proposed single parcel water system and, therefore, are an allowed use that does not require further review or a zoning permit. The proposed residence, guest house, driveway and all other features of the modified project are located within the Coastal Zone and subject to the provisions of the Coastal Zoning Ordinance.

The modified project would conform to the use, setback, height, parking, and other applicable standards of the Coastal Zoning Ordinance. The uses allowed on the subject parcel with a Coastal Development Permit include one single-family dwelling, one guest house and accessory structures. [Section 35-69.3 of the Coastal Zoning Ordinance] There is only one setback regulation that applies to the project – no buildings or structures shall be located within 50 feet of the centerline or within 20 feet of the right-of-way line of any street. [Section 35-69.7 of the Coastal Zoning Ordinance] The modified project conforms to this regulation; the residence, guest house and other structures will be setback more than 2,000 feet from any centerline or right-of-way line of any street or highway. The Ridgeline/Hillside Development Guidelines limit the height of the proposed buildings to 16 feet. [Section 35-144.3 of the Coastal Zoning Ordinance] The residence and guest house will have a maximum height of approximately 10 feet and 12 feet, respectively (vertical distance between the existing grade and the uppermost point of the structure directly above that grade). [Section 35-127 of the Coastal Zoning Ordinance]

The ordinance requires two parking spaces per dwelling. [Section 35-108 of the Coastal Zoning Ordinance] The proposed garage includes five parking spaces. Guest houses cannot exceed a floor area (net) of 800 square feet or a height of 16 feet. [Section 35-120.4 of the Coastal Zoning Ordinance] The proposed guest house meets these standards; it will have a floor area (net) of 800 square feet and height of 12 feet (vertical distance between the finished grade and the uppermost point of the structure directly above that grade). [Section 35-127 of the Coastal Zoning Ordinance] The conditions of approval require the applicant to record a Notice to Property Owners to inform future owners of the property that the guest house can only be used as a guest house. [Section 35-120 of the Coastal Zoning Ordinance] Therefore, this finding can be made.

2.2.3 *The proposed development is located on a legally created lot.* [Section 35-169.5.1.b]

The subject parcel is a legally created lot identified as Lot “B” (287 acres) of Parcel Map Number 12,702 (Parcel Map Book 20, Pages 94 and 95; recorded August 31, 1978). Therefore, this finding can be made.

2.2.4 *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 . . .* [Section 35-169.5.1.c]

No known zoning violations exist on the subject parcel and no enforcement or processing fees are due. Therefore, this finding can be made.

3.0 BOARD OF ARCHITECTURAL REVIEW FINDINGS

Findings Required for Approval, Section 35-184.6 of the Coastal Zoning Ordinance

- 3.1 *In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

This finding is identical to Visual Resources Policy 4-3 of the CLUP and Visual Resources Policy 4 of the Comprehensive Plan. As discussed in Section 2.2.1 above, the modified project conforms to these visual resources policies. Therefore, this finding can be made.

- 3.2. *In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

The subject parcel is in an area designated as rural under the Santa Barbara County Comprehensive Plan. Therefore, this finding does not apply to the proposed project.

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

There are no existing structures on or near the building site. The subject parcel is large (287 acres) and undeveloped. The surrounding parcels are also large (974 acres, 415 acres and 33 acres). The two closest residences are separated from the building site by distance and natural landforms. One residence is located in a canyon approximately $\frac{3}{4}$ -mile to the northwest. The other residence is located on a marine terrace approximately 1-mile to the southeast.

The proposed residence and guest house will appear as single-story structures with a low-lying horizontal shape. This shape helps ensure that these structures will blend with the character of the surrounding natural environment. Moreover, the residence and guest house will not be visible from public viewing places. Therefore, this finding can be made.

- 3.4. *Mechanical and electrical equipment shall be well integrated in the total design concept.*

The project's mechanical and electrical equipment would be integrated into the overall design and would not require separate, distinct enclosures. This equipment would not be visible and would not affect visual resources. Therefore, this finding can be made.

3.5. *There shall be harmony of material, color, and composition of all sides of a structure or building.*

The applicant submitted architectural elevations and samples of exterior materials and colors. The proposed residence and guest house will have similar exterior materials (e.g., plaster walls, tile roofs) and colors (e.g., base, trim, roofs). The composition of all sides of both structures will have matching architectural characteristics, materials and colors. During a meeting on January 15, 2010, CBAR noted, “. . . color board and matching of earth tones and mottling/patina is a good way to go . . .” Therefore, this finding can be made.

3.6. *A limited number of materials will be on the exterior face of the building or structure.*

The proposed residence and guest house will have a Spanish-Mediterranean architectural style. The exteriors will use simple construction materials, consisting primarily of plaster (walls), wood (trim, structural members) and tile (roofs). Therefore, this finding can be made.

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

No existing developments or structures adjoin the building site. The subject parcel is vacant and is located in a rural area dominated by moderate to large size parcels. The closest existing structures are residences located approximately ¾-mile to the northwest and 1-mile to the southeast of the building site. The modified project includes a residence and guest house. These structures share a similar architectural style and would have a harmonious relationship with each another. Therefore, this finding can be made.

3.8. *Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.*

The building site is a south-facing hillside with moderate slopes of 10 to 20 percent. The proposed residence and guest house have been sited and oriented to fit and respect the environmental qualities and topography of the building site. For instance, these structures will follow the natural contours. The modified project shifts the guest house closer to the residence, reduces the pool/lawn area and eliminates the motor court. These measures reduce the size of the building site and, as a result, minimize grading and preserve open space and natural topography. Therefore, this finding can be made.

3.9. *Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provisions for maintenance of all planting.*

The building site and immediate surroundings are predominantly open, non-native grasslands. The proposed Landscape Plan (Castleberg Associates, January 19, 2010) shows that the areas adjacent to the proposed development will include meadow interspersed with groundcovers, shrubs and oak trees. The plan states, “All plants outside are native to the Gavoita Coast.” Areas beyond the proposed development will include limited scrub oak, lemonade berry and sagebrush

interspersed with existing grassland. On January 15, 2010, CBAR reviewed the proposed landscaping and concluded, “. . . [landscaping] design is effective, with appropriate use of Mediterranean and native species that effectively transition from the residential yard area to the natural landscape . . .” Therefore, this finding can be made.

3.10. *Signs including their lighting, shall be well designed and shall be appropriate in size and location.*

The proposed project does not include any signs. Therefore, this finding does not apply to the proposed project.

3.11. *The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Section 35-144A of this Article.*

The subject parcel is in the Gaviota Planning Area according to the Santa Barbara County Comprehensive Plan. The Board of Supervisors has not adopted any additional design standards for the Gaviota Planning Area. Therefore, this finding does not apply to the proposed project.

3.12. *Other findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.*

The subject parcel is not located within the MON Overlay Zone or the Montecito Community Plan Area. Therefore, this finding does not apply to the proposed project.