

## ATTACHMENT B

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

The project is exempt from environmental review pursuant to CEQA Guidelines Section 15301(e) [additions to existing structures]. See Attachment B, Notice of Exemption, for additional information

### 2.0 ADMINISTRATIVE FINDINGS

Pursuant to Section 35-169.5, a Coastal Development Permit shall only be issued if all of the following findings are made:

#### 2.1 **Those findings specified in Section 35-169.6.1.**

##### 2.1.1 **That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.**

As discussed in section 6.2 and 6.3 of this staff report and incorporated herein by reference, the project can be found consistent with the applicable polices of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, and with the applicable provisions of Article II Zoning Ordinance.

##### 2.1.2 **That the proposed development is located on a legally created lot.**

The subject parcel is considered a legally created lot as it was created as part of the Fernald Tract subdivision recorded in February 1929. It is developed with and existing single-family residence and has been validated by previous issuance of a County Land Use Permit, 94-SUP-005, on April 18, 1994. Therefore, this finding can be made.

##### 2.1.3 **That the subject 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 such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-160 et seq.**

As discussed in Section 6.3 of this staff report and incorporated herein by reference, the project would be consistent with all requirements of the 1-R-1 zone district. The subject lot is in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of Article II. Therefore, this finding can be made.

##### 2.2 **That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The project is located adjacent to the beach and ocean. The project involves additions and remodel of an existing structure that would not significantly obstruct public views. Additionally, the project would not significantly obstruct views to or along the coast from

any public roads, public recreation area or other public area. Therefore, this finding can be made.

**2.3 That the development is compatible with the established physical scale of the area.**

The residential structures on Fernald Point Lane range in size from approximately 5,000 square feet to 10,000 square feet. Most of the structures within this area are two-stories. The project was conceptually reviewed for neighborhood compatibility by the Montecito Board of Architectural Review which conducted a site visit on May 5, 2008. The project, which would include an SFD addition of 8,289 square feet with the approved additions, would be of a scale and character that is consistent with the surrounding neighborhood. Therefore, this finding can be made.

**2.4 That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.**

The project would be in conformance with the public access and recreation policies of Article II and the Coastal Land Use Plan. The project consists of an addition to an existing residence on a private lot and would not affect public access to or along the beach or public recreation in the area. Therefore, this finding can be made.