

ATTACHMENT 1

Findings for Approval

1.0 CEQA FINDINGS

The project, Case Nos. 14LUP-00000-00144 and 14BAR-00000-00063, is exempt from environmental review based upon Section 15303 [New Construction or Conversion of Small Structures] of the California Environmental Quality Act (CEQA) Guidelines. Section 15303(a&e) states that the construction of a single-family residence and garage are exempt from CEQA. See Attachment 3 for a detailed discussion of this exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 DESIGN REVIEW FINDINGS

In compliance with Section 35.82.070.F.1 of the County Land Use and Development Code, an application for Design Review can be approved only if the following required findings can be made:

- a. *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 proposed single-family dwelling and attached garage are located in a neighborhood of primarily one and some two-story dwellings on legal lots. As discussed in Section 5.3 of the Planning Commission staff report, dated July 2, 2015, included as Attachment 11, and as shown in the project plans included as Attachment 4 to this Board letter, incorporated herein by reference, the proposed dwelling is designed to present a modest single story street-front elevation for public view while presenting a two-story elevation towards the rear of the home. Consistent with the surrounding neighborhood, wherein seven (7) of the thirteen (13) closest homes along Cheltenham Road having second-story elements, the proposed two-story home similarly has the two-story element visible towards the rear, down-slope elevation (see Attachment G to the Planning Commission staff report, dated July 2, 2015 and incorporated herein by reference). This is due to the natural topography of the neighborhood, which drops steadily from north to south, and in turn allows many homes to appear as a single-story from the north but to have a two-story presentation at the east, west and southern elevations. For the subject project, the proposed side elevations are well articulated with fenestration and varied roof heights, and side views from adjacent lots are screened and softened by the proposed new landscape plantings. In sum, by design, the proposed project is in proportion to, in scale, and visually compatible with the other existing houses in the neighborhood as it presents a single-story street-front elevation as seen from public vantage points.

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

All electrical and mechanical equipment for the project will be located in a mechanical area located within the lower-level of the proposed new dwelling. Therefore, this finding can be made.

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

All sides of the home will be finished with colors, composition and materials consistent with the Spanish Revival style, including Redlands blend clay roof tiles; smooth, light-colored stucco siding; wood clad windows and wood doors; and stone finishes. Therefore, this finding can be made.

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

The materials to be used on the exterior face of the structure are limited to materials consistent with the Spanish Revival style. These limited materials include Redlands blend clay roof tiles; smooth, light-colored stucco siding; wood clad windows and wood doors; and stone finishes. Therefore, this finding can be made.

e. *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 proposed Spanish Revival style home will be in harmony with the other similarly styled and sized homes throughout the existing developed neighborhood without creating monotonous repetition. Therefore, this finding can be made.

f. *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.*

Based on the site's topography, the proposed two-story home reads as a one-story house to the public viewing it from Cheltenham Road, a public road. The new house is well-designed to take into consideration the natural topography of the sloping hillside and includes a plan to effectively handle the existing storm water drainage across the lot as it enters the site from a 12" pipe and is channeled into an engineered bio-swale that has been designed to handle the maximum storm water flow out of the pipe. The newly installed detention basin has been engineered to capture and store average rainfall from a storm event, while storm water in excess of an average storm event would exit the site at the historic location at the southeastern corner of the lot. The location of the proposed new dwelling and the design of the project allow for protection of the natural topography of the site. The existing oak tree at the rear of the lot will be retained and protected during construction activities. The site layout, orientation, and location of the proposed home and garage are appropriate to the site topography and overall environmental qualities of the site. The revisions to the project that were approved by the Planning Commission, shown in Attachment 4 to this Board letter and incorporated herein by reference, will lower the profile of the proposed residence. Therefore, this finding can be made.

g. *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 project will not require the removal of any specimen or landmark trees. Four trees that are the remnants of a previous avocado orchard will be removed. The landscape plan includes a selection of plantings that are appropriate for the site and are consistent with the landscape and maintenance requirements of this high-fire hazard area of the County, including drought-tolerant and

native plans. Additionally, the landscaping along the side property lines will soften and screen views into the property as viewed from both the eastern and western neighbors. Therefore, this finding can be made.

- h. *Signs including associated lighting, are well designed and will be appropriate in size and location.*

No signage is proposed as a part of this project. Therefore, this finding is not applicable.

- i. *The proposed development is consistent with any additional design standards as expressly adopted by the Board for a specific local area, community, or zone in compliance with Subsection G. (Local design standards) below.*

Additional design standards for the Mission Canyon Community Plan area have been adopted by the Board of Supervisors and the proposed project is consistent with these additional standards. A discussion of these standards and the evidence that supports consistency is included below in Section 2.2 and is incorporated herein by reference. Therefore, this finding can be made.

2.2 MISSION CANYON COMMUNITY PLAN DESIGN REVIEW FINDINGS

In compliance with Section 35.82.070.F.7 of the County Land Use and Development Code, an application for Design Review in Mission Canyon can be approved only if the following required findings can be made:

- a. *Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) are in compliance with the Mission Canyon Residential Design Guidelines as applicable.*

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated July 2, 2015, included as Attachment 11 and incorporated herein by reference, the proposed new dwelling is in compliance with the applicable Mission Canyon Residential Design Guidelines, including neighborhood context, character and compatibility, grading, and watershed management. The project has been designed to reflect the overall size and character of the surrounding neighborhood, which is a mix of existing one and two-story homes. The project, as revised, will also minimize the amount of grading necessary to construct the new home to 130 cubic yards of cut and 120 cubic yards of fill. The existing drainage-way along the western side of the home has been maintained by designing a bio-swale and detention basin that is consistent with Mission Canyon Residential Design Guidelines sections 3.15 and 3.16, which call for infiltration of runoff and erosion control through properly designed drainage sales and appropriate landscaping.

Furthermore, the home has been designed to be a two-story structure in the rear and steps down with the slope in order to minimize grading and unnecessary site excavation. Working with the site topography, the design of the home also avoids creating a subterranean basement area. Due to the sloping nature of the lot and the existing channelized storm water drainage that empties onto the site, a below-grade basement area of the home could be subject to flood hazards and risks. Therefore, this finding can be made.

- b. *Large visible understories (greater than four feet in height) and exposed retaining walls are minimized.*

There are no understory areas greater than four feet in height proposed as a component of this project. Therefore, this finding can be made.

- c. *Retaining walls are colored and textured (e.g., with earth tone colors and split face details) to match adjacent soils or stone, and visually softened with appropriate landscaping.*

As shown on the project plans included as Attachment 4 to this Board letter and incorporated herein by reference, the retaining wall and site walls associated with the project will have a stucco finish that will match the new dwelling. Additionally, the colors of the wall and home will be earth toned and will be visually softened with the overall site landscaping. Final color palette and materials will be reviewed and approved by the BAR as a part of the “final” design review approval for consistency with the Board’s approval. Therefore, this finding can be made.

- d. *The visible portion of a retaining wall above finished grade does not exceed a height of six feet as measured from the bottom of a footing to the top of the wall. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption is necessary to allow a project that:*

- (1) Furthers the intent of protecting hillsides and watersheds;*
- (2) Enhances and promotes better structural and/or architectural design; and*
- (3) Minimizes visual or aesthetic impacts.*

No visible portion of a retaining wall above grade will exceed the height of six feet as measured from the bottom of any footings to the top of the wall. Therefore, this finding can be made.

- e. *Landscaping and hardscaping located in the public right-of-way is consistent in style with the semi-rural character of Mission Canyon.*

As conditioned, an encroachment permit from the Roads Division of the County of Santa Barbara Public Works Department is required prior to the issuance of the Land Use Permit for the new single-family dwelling (see Condition #14 of Attachment 2 to the Board letter for the Agenda of May 3, 2016 and incorporated herein by reference). Additionally, the final landscape and hardscape plan will be reviewed and approved by the BAR as a part of the “final” design review approval to ensure that those areas located within the public right-of-way are consistent in style and character with the Mission Canyon area. Therefore, this finding can be made.

2.3 LAND USE PERMIT FINDINGS

In compliance with Section 35.82.110.E.1 of the County Land Use and Development Code, an application for a Land Use Permit shall be approved only if the following findings can be made:

- a. *The proposed development conforms to the applicable provisions of the Comprehensive Plan including the Mission Canyon Community Plan and with the applicable provisions of this Development Code, or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated July 2, 2015, included as Attachment 11 and incorporated herein by reference, the project conforms to the purpose and intent of the R-1 zone district, and will comply with all applicable requirements of the County

LUDC for new development on an existing legal lot, including building height, parking requirements, and setback requirements. The project will conform to all applicable provisions of the County Comprehensive Plan, including the Mission Canyon Community Plan, and the applicable zoning requirements of the County Land Use & Development Code, respectively. Therefore, this finding can be made.

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

The subject parcel is a legally created lot and is shown as Lot 1 on page 36 of Recorded Map Book 20 for Mission Canyon Heights, County of Santa Barbara. Therefore, this finding can be made.

c. *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 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 35.101 (Nonconforming Uses, Structures, and Lots).*

As discussed in Section 6.3 of the Planning Commission staff report, dated July 2, 2015, included as Attachment 11 and incorporated herein by reference, the project will be in compliance with all requirements of the R-1 zone district. Furthermore, all past zoning violations on the subject lot related to prior grading and development activities have been abated and the lot does not currently have any outstanding zoning violations. As such, the vacant lot is presently in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Land Use & Development Code. Therefore, this finding can be made.