

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301 [Existing Facilities] and 15303 [New Construction or Conversion of Small Structures]. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 FINDINGS REQUIRED FOR ALL COASTAL DEVELOPMENT PERMITS

In compliance with Section 35-60.5 of the Article II 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.

As discussed in Section 6.2 of the staff report, dated December 24, 2018, and incorporated herein by reference, the Montecito Water District has issued a Certificate of Water Service Availability and the Montecito Sanitary District has issued a Sewer Service Availability Letter for the proposed remodeled single-family dwelling on the subject parcel (Attachments E & F). Access to the project site will continue to be provided via the existing driveway off of Channel Drive. Driveway dimensions and access will be in conformance with Montecito Fire Protection District specifications.

2.2 ARTICLE II COASTAL ZONING ORDINANCE FINDINGS

Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. 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:

2.2.1 The proposed development conforms:

- 1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 2) With the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.**

As discussed in Sections 6.2 and 6.3 of the staff report, dated December 24, 2018, incorporated herein by reference, the proposed development conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan, and also conforms to all applicable provisions of Article II, the Coastal Zoning Ordinance. The parcel's legal nonconforming status as to size does not preclude the project and will remain the case following project approval. Therefore, this finding can be made.

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

The proposed development is located on a legal lot of record that is shown as lot 19 of the 1887 Recorded Map (Rack 1, Map 3), known as the Tract Map of the Montecito Land Company, as depicted on Assessor's Map Book 009, page 35, County of Santa Barbara. Therefore, this finding can be made.

2.2.3 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 non-conforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

As discussed in Section 6.3 of the staff report, dated December 24, 2018, and incorporated herein by reference, the proposed project will comply with all applicable requirements of the Article II, the Coastal Zoning Ordinance. Also, there are no zoning or building violations recorded against the subject parcel. As conditioned, the subject property is, and the proposed project will be, in full compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of Article II, Coastal Zoning Ordinance, for the E-1 zone district. An existing water well on the parcel will be abandoned, in compliance with a condition of approval applied to the CDP for the water well which was granted by the California Coastal Commission in 1978. The parcel's legal nonconforming status as to size does not preclude approval of the proposed project and will not be exacerbated as a result of the proposed project. All processing fees have been paid to date. Therefore, this finding can be made.

2.2.4 The 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 not significantly obstruct public views from any public road or from a public recreation area to, or along, the coast. The residence is on the mountain side of Channel Drive and does not obstruct views to and along the coast from Channel Drive or any other public road or viewing area. Additionally, although

this finding relates to significant obstruction of public views to and along the coast, the project does not block any views from the beach and retains public views of the mountains. Therefore, this finding can be made.

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

The proposed project will not significantly alter the size, height and scale of the existing residence and the only exterior structural development is a covered porch along the southern elevation. Although the proposed swimming pool will be larger than the existing pool, it will not alter the height, bulk or scale of the existing development. As such the proposed development remains compatible with the established scale of the area. As shown in Attachment D to the staff report, dated December 24, 2018, and incorporated herein by reference, the MBAR reviewed the proposed development at the conceptual level on October 11, 2018, and had positive comments about the minor changes to the existing residence. Additionally, as a condition of approval, the project will require final MBAR review and approval prior to issuance of the Coastal Development Permit. (See Condition #3, Attachment B to the staff report, dated December 24, 2018, and incorporated herein by reference.) Therefore, this finding can be made.

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

The proposed project does not impact public access to the beach along this area of the coast as the project site is not immediately adjacent to any public access points to the ocean and will not impede lateral access along the beach. Therefore, this finding can be made.

2.3 ADDITIONAL FINDINGS REQUIRED FOR SITES WITHIN THE MONTECITO COMMUNITY PLAN AREA

2.3.1 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to approval or conditional approval of an application for a Coastal Development Permit on sites with the Montecito Community Plan area, the review authority shall first find for all development projects (as development is defined in the Coastal Land Use Plan) that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

As discussed in Sections 6.2 and 6.3 of the staff report, dated December 24, 2018, and incorporated herein by reference, as proposed and conditioned, the project is in full

compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable development standards of Article II, the Coastal Zoning Ordinance, for the E-1 zone district and all applicable standards of the Comprehensive Plan, including the Montecito Community Plan and the Coastal Land Use Plan. Therefore, this finding can be made.

2.3.2 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the review authority shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.

The proposed project does not impact public access to the beach along this area of the coast as the project site is not immediately adjacent to any public access points to the ocean and will not impede lateral access along the beach. Therefore, this finding can be made.