

ATTACHMENT 1: FINDINGS FOR APPROVAL

Case Nos. 20ORD-00000-00001, 20ORD-00000-00002, and 20ORD-00000-00003

1.0. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 State CEQA Guidelines Exemption Findings

- 1.1.1 Case No. 20ORD-00000-00001.** The Board of Supervisors (Board) finds that the proposed amendment to the Coastal Zoning Ordinance (CZO) (Case No. 20ORD-00000-00001) is exempt from environmental review pursuant to State CEQA Guidelines Sections 15282(h) and 15265.
- 1.1.2 Case Nos. 20ORD-00000-00002 and 20ORD-00000-00003.** The Board finds that the proposed amendments to the County Land Use and Development Code (LUDC) (Case No. 20ORD-00000-00002) and Montecito Land Use and Development Code (MLUDC) (Case No. 20ORD-00000-00003) are exempt from environmental review pursuant to State CEQA Guidelines Section 15282(h).

Please see the Notice of Exemption (Attachment 2, incorporated by reference) for more information.

2.0 ADMINISTRATIVE FINDINGS

In compliance with CZO Section 35-180.6, LUDC Section 35.104.060.A, and MLUDC Section 35.494.060.A, an amendment to CZO, LUDC, or MLUDC may be approved only if the review authority first makes all of the following findings, as applicable to the type of amendment:

2.1 The request is in the interests of the general community welfare.

The proposed amendments are in the interest of the general community welfare since the amendments will revise the CZO, LUDC, and MLUDC to (1) be consistent with Government Code (GC) Sections 65852.2 and 65852.22 regarding the permitting of accessory dwelling units (ADUs) and junior ADUs (JADUs), respectively; (2) implement GC Sections 65852.2 and 65852.22, the purpose of which is to increase the supply of housing units within California; (3) clarify the ADU and JADU requirements, which will in turn contribute to an efficient permit process for ADUs and JADUs in compliance with State law; and (4) as discussed further in subsection 2.2 of these findings (below), implement Program 1.4 of the County's *2015-2023 Housing Element Update* (Housing Element) that encourages the development of housing unit types that are affordable by design.

2.2 CZO: The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan [CLUP], the requirements of State planning and zoning laws and this CZO.

LUDC: The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code [LUDC].

MLUDC: The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code [MLUDC].

The proposed amendments are consistent with the Comprehensive Plan, CLUP, CZO, LUDC, and MLUDC because they implement Program 1.4 (Tools to Incentivize High-Quality Affordable Housing) of the Housing Element and update the zoning ordinances to be consistent with State ADU and JADU laws.

The Housing Element contains 37 programs to carry out the County's housing goals and policies. The Board adopted the Housing Element after making a finding that it was in conformity with the other elements of the Comprehensive Plan. Program 1.4 directs the County to consider adopting land-use tools to "provide housing opportunities for all segments of the population, including ... policies to encourage the development of unit types that are affordable by design ... and ... permit streamlining efforts." Program 1.4 identifies and encourages the development of several unit types that are affordable by design, including ADUs, infill development, and mixed-use development.

The proposed amendments implement Program 1.4 by streamlining the permit process and reducing the development standards applicable to ADUs and JADUs, as well as expanding the zones in which ADUs and JADUs are allowed. Specifically, the proposed amendments streamline the permit process for ADUs and JADUs by eliminating planning permit requirements for ADUs and JADUs and reducing the permit processing timeframe from 120 days to 60 days in compliance with GC Section 65852.2(a)(3). The proposed amendments also reduce the development standards applicable to ADUs and JADUs in compliance with State laws. For example, the proposed amendments eliminate replacement parking requirements for all ADUs, reduce appearance and style development standards for new construction detached ADUs, and revise floor area, height, location, and setback requirements to provide greater design flexibility for ADUs that are subject to local development standards. Lastly, the proposed amendments expand the zones where ADUs and JADUs are allowed to include mixed-use zones and zones that allow single-family dwellings or multiple-family dwellings, thereby encouraging ADUs, infill development, and mixed-use development as directed by Program 1.4.

The proposed amendments are consistent with the remaining portions of the CZO, LUDC, and MLUDC that are not revised by these amendments. The proposed amendments include a provision that states where there are conflicts between the ADU or JADU standards of CZO Section 35-142, LUDC Section 35.442.015, or MLUDC Section 35.442.015 and other provisions of the CZO, LUDC, or MLUDC, respectively, the standards of CZO Section 35-142, LUDC Section 35.42.015, or MLUDC Section 35.442.015, respectively, shall prevail. Additionally, the proposed CZO, LUDC, and MLUDC amendments are consistent with GC Section 65852.2(a)(1)(C), which provides that ADUs "do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot." These provisions are codified within the ADU and JADU application and processing requirements of the proposed amendments.

In the Coastal Zone, the County must consider ADU and JADU applications pursuant to GC Section 65852.2(l), which states: "Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 ..." Thus, ADUs and JADUs proposed within the Coastal Zone must be consistent with the Coastal Act and the resource protection policies and standards contained therein, which are codified within the proposed CZO amendment.

By implementing Program 1.4 and updating the zoning ordinances to be consistent with State ADU and JADU laws, the proposed amendments are consistent with the Comprehensive Plan, including the Housing Element and applicable community and area plans, the CLUP, the requirements of State planning and zoning laws, the CZO, LUDC, and MLUDC.

2.3 The request is consistent with good zoning and planning practices.

The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since they will revise the CZO, LUDC, and MLUDC to be consistent with State regulations regarding ADUs and JADUs and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the proposed amendments are consistent with the Comprehensive Plan, including applicable community and area plans, CLUP, CZO, LUDC, and MLUDC.