

ATTACHMENT 4: MONTECITO LUDC FINDINGS
CASE NO. 16ORD-00000-00015

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1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed amendments to the Montecito Land Use and Development Code (Case No. 16ORD-00000-00015) are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h). Please see Attachment 5, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), the following findings shall be made by the Board of Supervisors in order to adopt an amendment to the Montecito LUDC:

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

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by revising the Montecito LUDC to be consistent with Government Code Section 65852.2 regarding the permitting of accessory dwelling units. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the Montecito Community Plan. As part of this process, a policy consistency analysis will be performed during the review of the application, and typically projects would not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made.

However, Government Code Section 65852.2(a)(5) requires that “No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit.” Therefore, if this analysis identifies a policy inconsistency that cannot be overcome through project redesign (e.g., moving a detached ADU further away from a designated environmentally sensitive habitat area), then this inconsistency cannot be used as the basis for denial of the application for the ADU.

Additionally, Government Code Section 65852.2 provides that “An accessory dwelling unit that conforms to [Section 65852.2] shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.”

The proposed ordinance amendment is also consistent with the remaining portions of the Montecito LUDC that would not be revised by this ordinance. The proposed ordinance amendment include a provision that where there are conflicts between the standards that apply to ADUs and other portions of the Montecito LUDC, that the specific ADU standards shall prevail. Therefore, this ordinance may be found consistent with the Comprehensive Plan

including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito LUDC.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Montecito Land Use and Development Code.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by revising the Montecito LUDC to be consistent with State regulations and provide a clear and efficient permit processes that will benefit the public. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito LUDC that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito Land Use and Development Code.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the Montecito LUDC to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC.