

EFFECTIVE IMMEDIATELY UPON ADOPTION
BY FOUR-FIFTHS VOTE OF THE CITY COUNCIL

ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE COUNCIL
OF THE CITY OF SANTA BARBARA TEMPORARILY
EXTENDING APPLICATION OF THE CITY'S EXISTING
ACCESSORY DWELLING UNIT ("ADU") ORDINANCE
BEYOND JANUARY 1, 2020

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Findings and Determinations.

A. The City of Santa Barbara ("City") has an overriding interest in planning and regulating development of residential property within the City. Implicit in any plan or regulation is the City's interest in maintaining and improving the quality of urban life and the character of the City's neighborhoods. Without stable, well-planned neighborhoods, residential sections of the City can quickly deteriorate, with detrimental consequences to social, environmental, and economic values. It is the intent of the City Council to assure that residential neighborhoods remain well-planned and that the residents maintain a high quality of life. This intent will be effectuated by a comprehensive study resulting in amendments to its existing Accessory Dwelling Unit Ordinance ("ADU Ordinance") codified as Santa Barbara Municipal Code Section 30.185.040 and all its subparts.

B. The purpose of this interim urgency ordinance is to temporarily extend application of the City's existing ADU Ordinance beyond January 1, 2020 until such reasonable time as a detailed study may be made resulting in amendments to its existing ADU Ordinance in order to comply with recently enacted state laws.

C. This Ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code Section 65858 and the City Charter, and is for the immediate preservation of the public peace, health, safety and welfare. The City Council hereby finds that the facts constituting the urgency are these:

1. Locally unregulated ADU and Junior Accessory Dwelling Unit ("JADU") construction will immediately create much higher residential density and intensity of development resulting in the potential for overcrowding with an increased burden on public utilities and facilities, an increase in traffic congestion particularly in hillside areas with limited street access for emergency vehicles and emergency egress during fires and floods, and a decrease in the

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availability of adequate parking to accommodate on street vehicle parking and maneuvering in a safe manner. Such increased residential development will result in a reduction in the quality of life within the City's neighborhoods and a direct and immediate threat to the health and safety of residents and visitors;

2. ADU and JADU development will immediately increase the likelihood of substantial adverse changes in, or the destruction of, significant historic resources designated as a City Landmark, Structure of Merit, or an historic resource located in a designated historic district;
3. ADU and JADU development in the Foothill and Extreme Foothill Zones as defined in the City's Wildland Fire Plan will result in an immediate threat to public peace, health, safety and welfare because of the resulting on street parking and increased residential densities in an emergency-prone geographical region of the City. Accordingly, Council finds that ADU development should be specifically restricted within both the Foothill and Extreme Foothill Zones to allow for a thorough evaluation of potential increased resident evacuation demands at least until additional data has been received by the Fire Department updating the Community Wildfire Protection Plan, which is anticipated to occur in the February 2020 timeframe.

D. Based upon the foregoing, and the evidence provided in the City Council Agenda Report and during the Council's public hearing, it is urgent that the City have the opportunity to develop regulations in compliance with State requirements while incorporating its existing regulatory standards to prevent these immediate adverse impacts to the public peace, health, safety and welfare.

E. Given the time required to undertake the necessary study and planning, the City Council finds that it is necessary that this interim urgency ordinance be immediately enacted to ensure that no ADUs or JADUs be permitted, approved or constructed in conflict with any State law as well as with the City's General Plan, zoning, and/or development policies or standards as expressed in its current ADU Ordinance.

SECTION 2. Interim Zoning Adopted.

- A. The findings and determinations in Section 1 are true and correct.
- B. In accordance with the authority granted to the City Council under Government Code section 65858 and City Charter section 511, from and after the date of this interim zoning Ordinance:

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1. No use permit, modification, variance, building permit, business license, or other applicable entitlement for use of any kind whatsoever shall be approved or issued for the establishment or operation of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, except in compliance with the terms of Santa Barbara Municipal Code Section 30.185.040 for a period of forty-five (45) days, and during that period, any such activity shall be unlawful. Nothing in this provision shall preclude the City from permitting an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in the Coastal Zone pursuant to Government Code Sections 65852.2 and 65852.22.
2. Council finds that ADU development should be specifically restricted within the Foothill Zone as well as the Extreme Foothill Zone to allow for a thorough evaluation of potential increased resident evacuation demands at least until additional data has been received by the Fire Department updating the Community Wildfire Protection Plan, which is anticipated to occur in the February 2020 timeframe.

C. This Ordinance shall not apply to ADU or JADU residential development applications which have been received prior to the date of the adoption of this Ordinance. Any new ADU or JADU residential development is hereby limited until such reasonable time as a detailed study may be made and the zoning amendment and public hearings process pertaining to these matters is completed, or until **[45 days from adoption]**, whichever occurs first, except as may be extended as provided by Government Code Section 65858.

D. The City Council hereby declares that should any section, paragraph, sentence, phrase or term of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

E. This Ordinance shall take effect immediately upon passage by a 4/5ths vote of the City Council in accordance with Government Code Section 65858.

F. The City Council finds that this Ordinance should be read in full and adopted on an emergency basis pursuant to the authority in City Charter Section 511.

G. In addition, the City Council finds that, on the basis of the whole record and exercising its independent judgment, this Ordinance is not subject to environmental review pursuant to the State Guidelines for Implementation of the California Environmental Quality Act sections 15060(c)(2) and 15060(c)(3) pertaining to activities

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that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.

PASSED AND ADOPTED by the City Council of the City of Santa Barbara at a regular City Council meeting held this 17th day of December, 2019, by the following vote, to wit:

AYES :
NOES :
ABSENT :
DISQUALIFY:

Mayor of the City of Santa Barbara

ATTEST:

City Clerk