

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 EXTENDING
ORDINANCE NO. 5927 CONCERNING ACCESSORY
DWELLING UNITS FOR 10 MONTHS & 15 DAYS, OR UNTIL
DECEMBER 17, 2020

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

SECTION 1. Findings and Determinations.

A. On December 17, 2019, the City Council determined that there was an immediate need to protect the public health, safety and welfare as a result of recent amendments to State law. These amendments declared the City's existing Accessory Dwelling Unit Ordinance ("ADU Ordinance"), in its entirety, to be "null and void" effective January 1, 2020 if the ADU Ordinance was not amended to comply with these State law amendments by that deadline.

B. An interim urgency ordinance, pursuant to Government Code Section 65858, and City Charter Section 511, and identified as Ordinance No. 5927, was adopted on December 17, 2019 by a unanimous vote of the City Council Members who were present as an interim urgency ordinance. The purpose of Ordinance No. 5927 is to temporarily prohibit ADUs and JADUs in the Foothill and Extreme Foothill High Fire Zones and on properties, or adjacent to properties, containing identified historic resources until such reasonable time as a detailed study may be made resulting in amendments to the City's existing ADU Ordinance in order to comply with the new State law amendments. Ordinance No. 5927, however, is due to expire on January 31, 2020 unless it is extended for up to an additional 10 months and 15 days, or until December 17, 2020, by a four-fifths vote of the City Council as authorized under Government Code Section 65858.

C. The City Council finds and determines that, based upon the foregoing, there remains a current and immediate need to protect the public health, safety, and welfare which requires that Ordinance No. 5927, incorporated by reference, be extended for an additional 10 months and 15 days as authorized under Government Code Section 65858, to allow City Staff adequate time to complete its study, that the ordinance must take effect immediately upon adoption, and that the urgency continues and is hereby declared.

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D. The City has undertaken, and will continue to undertake, its comprehensive study of how to incorporate the State law amendments into the City's existing ADU Ordinance in order to comply with State law during this additional 10 months and 15 days time extension period.

E. The City Council has held a duly noticed public hearing in connection with consideration and adoption of this Ordinance.

F. The City Council now desires to adopt this Ordinance extending Ordinance No. 5927, as an urgency ordinance, effective immediately, and thereby ensure that a reasonable amount of time is provided to the City 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, as well as ordinance No. 5927, pursuant to the authority set forth in Government Code Section 65858.

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

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, upon the effective date of this interim urgency ordinance, Ordinance No. 5927 is hereby extended, and incorporated herein by this reference, for a period of 10 months and 15 days, or until December 17, 2020. Other than those specific findings previously adopted in Ordinance No. 5927, all other portions of the City's ADU Ordinance not referenced in Ordinance No. 5927 shall be interpreted and applied in a manner consistent with the limitations expressed in Government Code Section 65852.2, and particularly, Subsection 65852.2(a)(7). The City Council further directs that City Administrator or his or her designee may make any and all necessary policy determinations, and take any and all administrative actions necessary to implement this Ordinance in a manner consistent with state law.

C. 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.

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

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

F. 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 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.