



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 14, 2020

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Report On Accessory Dwelling Unit Interim Urgency Ordinance

RECOMMENDATION: That Council:

- A. Receive a report on measures taken to alleviate the condition that led to the adoption of an interim urgency ordinance limiting application of the City's existing Accessory Dwelling Unit ("ADU") Ordinance beyond January 1, 2020; and
- B. Adopt, by reading in full and by a four-fifths vote, 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.

DISCUSSION:

On December 17, 2019, City Council unanimously adopted an interim urgency ordinance (Interim Ordinance) to temporarily prohibit ADUs and Junior ADUs (JADUs) in the Foothill and Extreme Foothill High Fire Hazard Areas and on properties containing, or immediately adjacent to, an identified historic resource, until further work can be completed to amend the City's regulations to comply with recently amended state law. This action was necessary to give staff, City Council, and the Planning Commission the opportunity to conduct a detailed analysis and propose amendments to the City's existing ADU Ordinance (Santa Barbara Municipal Code Section 30.185.040) consistent with amended California Government Codes sections 65852.2 and 65852.22.

Pursuant to Government Code Section 65858, the Interim Ordinance was effective immediately for a period of 45 days from the date of adoption, which is January 31, 2020. After public notice and a public hearing, the Council may extend the Interim Ordinance for an additional 10 months and 15 days, totaling one year until December 17, 2020.

Basis for the Recommended Extension

Extension of the Interim Ordinance will provide staff with reasonable time to gather data and prepare a detailed analysis of the impact of new ADU and JADU construction on the planning and development of residential properties within the City and to propose amendments to the City's ADU Ordinance in compliance with recently enacted State law. The two known issues that require further study are: the potential impacts of increased residential density with limited to no on-site parking provided in the hillside areas; and the potential for ADU and JADU development to adversely impact historic resources.

Community Wildfire Protection Plan

On December 17, 2019, the Council found that ADUs and JADUs, if allowed to develop under state law in the Foothill and Extreme Foothill High Fire Hazard Zones, will result in an immediate threat to public peace, health, safety, and welfare due to the increased demand for on-street parking and increased residential densities in an emergency-prone geographical region of the City. The Council adopted the Interim Ordinance to allow for a thorough evaluation of potential increased evacuation demands once additional data has been gathered for the updated Community Wildfire Protection Plan. The Fire Department expects to receive this data in February 2020, which will inform staff's recommendation regarding where increased density can be safely accommodated in the City.

Historic Resources

On December 17, 2019, the Council found that ADUs and JADUs developed under state law would immediately increase the likelihood of substantial adverse changes in, or the destruction of, significant historic resources designated as City Landmarks, Structures of Merit, or historic resources located in a designated historic district.

The City's ADU ordinance does not allow an ADU or JADU to be permitted if it would cause a substantial adverse change in the significance of a historic resource listed on the National Register of Historic Places or California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director makes this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. The City's ADU ordinance also contains objective architectural review standards that ensure ADUs located in front yards are sensitively located and screened from public view and that ADUs on a site with a historic resource are compatible with the design, materials, and colors of the primary residential unit on the lot.

Staff will recommend that measures to protect historic resources and objective architectural review standards remain in the forthcoming amended City ADU regulations. Additional time is needed to revise certain aspects of those protections to address the new state provisions that allow both an ADU and JADU on a lot with a single unit, and multiple ADUs on a lot with multi-unit development.

Tentative Schedule

Staff will continue to work on aspects of the local ADU regulations that do not require data associated with the Community Wildfire Protection Plan. Once that data is received, analyzed, and incorporated into the City's ADU regulations, staff will present proposed ordinance amendments to the Planning Commission, Ordinance Committee, and City Council. Staff anticipates that amended City ADU regulations could be in effect by May 2020, and it will not need the entire duration of the recommended time extension.

Extension of Urgency Measure

Pursuant to Section 65858(a) of the California Government Code and City Charter Section 511, the City may extend an interim urgency ordinance to protect the public peace, health, safety, and welfare by prohibiting any uses that may be in conflict with a contemplated General Plan, specific plan, or zoning proposal. An urgency measure must be passed by City Council by four-fifths vote (i.e., 6 of 7). The statute does not state explicitly whether the vote requirement is four-fifths of the total City Council membership or four-fifths of those present and voting. Accordingly, the City Attorney advises that the safest course of action is to obtain unanimous approval in the event that all City Council members are not present and voting.

General Plan Consistency

The City's General Plan was adopted to serve the public health, safety, comfort, convenience, and general welfare, to provide the economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide, and provide a definite plan for the future growth and development of the City. The General Plan reflects the City's overriding interest in planning and regulating development of residential properties within the City, which includes an interest in focusing growth in certain areas and maintaining and improving the quality of life and character of the City's neighborhoods.

Extension of the Interim Ordinance would affect all inland zones that allow residential uses within the City's jurisdiction. Thus, the Interim Ordinance conforms to the goals, objectives, and policies of the General Plan as the leading statement in the "General Plan Purpose and Need" declares, "The health, safety and welfare of the community are of primary importance in the City."

ENVIRONMENTAL REVIEW:

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.2 and 65852.22, which is the State ADU law.

BUDGET/FINANCIAL INFORMATION:

Existing staff will perform the necessary tasks to amend the City's ADU Ordinance to comply with state law, which may cause other work efforts to be temporarily delayed. California Government Code Section 65852.2(a)(3) authorizes the City to charge fees to recuperate costs associated with amending ordinances that provide for the creation of ADUs. Thus, staff anticipates recommending an increase in building permit fees for ADU applications as part of the department's FY2021 budget submittal.

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SUBMITTED BY: George Buell, Community Development Department

APPROVED BY: City Administrator's Office