

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** June 10, 2004  
**Department Name:** Planning and Development  
**Department No.:** 053  
**Agenda Date:** June 22, 2004  
**Placement:** Departmental  
**Estimate Time:** 5 minutes  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\Oa\2000s\03 cases\03ORD-00000-00002 RSU\BOS 6-22-04\Final 6-22-04 AII RSU BOS ltr.DOC

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**TO:** Board of Supervisors

**FROM:** Val Alexeeff, Director  
Planning and Development

**STAFF CONTACT:** Alicia Harrison, Planner  
884-8060

**SUBJECT:** Extension and amendment of Interim Ordinance No. 4505 pursuant to Government Code Section 65858 for Article II, Coastal Zoning Ordinance, regulations for Residential Second Units

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**Recommendations:**

That the Board of Supervisors:

- A. Find that the ordinance extending and amending Ordinance No. 4505 is statutorily exempt from the California Environmental Quality Act pursuant to Section 15282(i) of the Guidelines for Implementation of CEQA.
- B. Consider adoption of the ordinance and associated findings extending and amending Interim Ordinance No. 4505 regarding Residential Second Units to June 27, 2005.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community.

**Executive Summary and Discussion:**

On July 1, 2003 your Board adopted Interim Ordinance Nos. 4499 (Article II, Coastal Zoning Ordinance), 4500 (Article III, Inland Zoning Ordinance) and 4501 (Article IV, Montecito Zoning Ordinance), pursuant to Government Code Section 65858, that imposed additional development standards on applications for detached residential second units (RSUs). On August 12, 2003,

your Board amended and extended the timeline for expiration of these interim ordinances to June 27, 2004 through the adoption of Interim Ordinance Nos. 4505 (amending Article II), 4506 (amending Article III) and 4507 (amending Article IV). These interim ordinances were each scheduled to expire upon either the adoption of permanent amendments to the respective Articles they amended or June 27, 2004, whichever came first.

On December 2, 2003, your Board adopted Ordinance Nos. 4517, 4518 and 4519 making permanent the RSU amendments to Articles II, III and IV. These new regulations took effect on January 1, 2004 for Article III and Article IV.

However, under State Law, amendments to Article II, Coastal Zoning Ordinance, are subject to California Coastal Commission certification and are not effective until that certification takes place. The amendments to Article II set forth in Interim Ordinance No. 4517 were submitted to the Coastal Commission on December 31, 2003 for their review and certification but the Coastal Commission has not yet taken action on them. For this reason, Interim Ordinance No. 4505 (applicable in the Coastal Zone) needs to be extended and amended so that it and Ordinance No. 4499 can remain in effect while the Coastal Commission considers the proposed amendments for certification. The amendment to this ordinance is only for the purpose of extending the expiration date for Interim Ordinance No. 4499 which was amended by Ordinance No. 4505.

Pursuant to Government Code Section 65858, the County may extend the interim ordinance for one additional year to June 27, 2005. Not more than two extensions may be adopted, so this would be the County's final extension. This extension requires a four-fifths vote of the Board of Supervisors for adoption.

**Mandates and Service Levels:**

None

**Fiscal and Facilities Impacts:**

None

**Special Instructions:**

Required noticing has been satisfied by Planning and Development. Clerk of the Board will forward copies of the signed ordinances to County Counsel and to Planning and Development, attention Alicia Harrison.

**Concurrence:**

County Counsel

Attachments:

A. Ordinance to Extend and Amend Interim Ordinance, Article II

**ORDINANCE NO. \_\_\_\_\_**

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,  
EXTENDING AND AMENDING INTERIM ORDINANCE NO. 4505, WHICH AMENDED  
ARTICLE II CHAPTER 35 SECTION 35-142A.6 OF THE SANTA BARBARA  
COUNTY CODE, COASTAL ZONING ORDINANCE

FINDINGS:

WHEREAS, on July 1, 2003 the Board of Supervisors approved Interim Ordinance No. 4499 which added development standards for second residential units in front yards; and

WHEREAS, on August 12, 2003 the Board of Supervisors approved Interim Ordinance No. 4505 amending Interim Ordinance No. 4499 and extending the expiration date of that ordinance to June 27, 2004; and

WHEREAS, on December 2, 2003 the Board of Supervisors adopted Ordinance No. 4517 amending Article II Sections 35-142 and 35-142A, which must be certified by the California Coastal Commission prior to going into effect; and

WHEREAS, on December 31, 2003 Ordinance No. 4517 amending Article II Sections 35-142 and 35-142A was submitted to the California Coastal Commission for their review and certification; and

WHEREAS, as of the date of Board of Supervisors adoption of this Ordinance, the Coastal Commission's consideration of Ordinance No. 4517 is still pending; and

WHEREAS, Interim Ordinance Nos. 4499 and 4505 are set to expire on June 27, 2004; and

WHEREAS, Interim Ordinance No. 4505 provides for discretionary review of detached residential second units that are proposed to be constructed between a primary dwelling and the abutting street; and

WHEREAS, the absence of discretionary review of such detached residential second units presents a current and immediate threat to the public welfare because it would undermine the residential character of residential zone districts and would result in a threat to public welfare, and the approval of such detached residential second units will result in a threat to public welfare by undermining the residential character of residential zone districts; and

WHEREAS, certain development standards that were contained in Article II but which were deleted by Ordinance No. 4505 contain discretionary provisions which are prohibited by current amendments to state law set forth in Assembly Bill 1866.

**The Board of Supervisors of the County of Santa Barbara ordains as follows:**

SECTION 1. SECTION 1 of Interim Ordinance No. 4505 adopted by the Board of Supervisors on August 12, 2003 is hereby amended to read as follows:

Interim Ordinances No. 4499 is hereby extended until June 27, 2005.

SECTION 2. Interim Ordinance No. 4505 adopted by the Board of Supervisors on August 12, 2003 is hereby extended until June 27, 2005.

SECTION 3. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to extend and amend Ordinance No. 4505 and to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the certification of amendments to the permanent residential second unit ordinance by the California Coastal Commission. This ordinance shall be of no further force or effect upon the effective date of the Board of Supervisor's agreement to accept the Coastal Commission's approval of the residential second unit amendments, followed by the Coastal Commission's acknowledgement of this acceptance or on June 27, 2005, whichever occurs first. After notice pursuant to Government Code 65090, the Board of Supervisors may adopt an extension thereof.

SECTION 4. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
JOE CENTENO  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel