ORDINANCE NO. 2010-13

AN EMERGENCY ORDINANCE OF THE CITY OF SANTA CRUZ ADDING SECTION 9.37.055 TO THE SANTA CRUZ MUNICIPAL CODE PROHIBITING THE INTENSIFICATION OF USE OF PREMISES WHERE LOUD OR UNRULY GATHERINGS HAVE TAKEN PLACE

WHEREAS, the City Council finds and declares that there are numerous residential dwelling units in the City which, as a result of a continuous history of loud and unruly gatherings at those premises, have compromised the residential integrity and quality of life of various City neighborhoods; and

WHEREAS, the City Council finds and declares that these residential dwelling units create nuisance impacts which necessitate a disproportionate expenditure of public funds for police response, code enforcement and remedial actions; and

WHEREAS, the City Council finds and declares that the property owner(s) of said residential dwelling units in many instances have failed to implement reasonable measures available to them to manage and control their property or to otherwise meaningfully cooperate with neighbors and City law enforcement officials to eliminate or reduce the adverse impacts that these dwelling units have on their neighborhoods; and

WHEREAS, the City Council finds and declares that historically landlords who own these nuisance-creating residential rental dwelling units undertake construction on the premises, sometimes with building and zoning permits and sometimes without, with the objective of increasing the number of bedrooms in the unit or otherwise increasing the capacity of the unit to house more occupants so as to increase the rental income generated by the unit; and

WEHREAS, the City Council finds and declares that the optimum time of year at which to undertake this type of intensifying construction activity is during that brief interim at the end of the school year in June when the last group of student renters has vacated the premises and the next group of student renters has yet to occupy the premises; and

WHEREAS, the City Council finds and declares that the intensification of use of nuisance-creating residential dwelling units serves to exponentially exacerbate the negative health, safety, and welfare impacts attributable to those units which their immediate neighborhood and residents are already experiencing and which are already unacceptable; and

WHEREAS, the City Council finds and declares that given the City's most recent experience with the frequency of calls for police and code enforcement service attributable to these residential rental dwelling units in conjunction with the City's immediate need, to the extent feasible, to devote its law enforcement resources to other pressing law enforcement objectives including the reduction of violent crime and vandalism, the City can no longer tolerate the use intensification of residential dwelling units which already constitute public nuisances, and that the potential for intensification must therefore be addressed immediately; and

WHEREAS, the City Council finds and declares that its legitimate police power objective of immediately preventing the use intensification of the afore-referenced residential rental dwelling units would be frustrated if this ordinance is not adopted on an emergency basis and does not go into effect immediately so as to prohibit any such use intensification construction that might be undertaken in June 2010 upon completion of the June 2009-2010 school year.

NOW, THEREFORE BE IT ORDAINED By the City Council of the City of Santa Cruz as follows:

<u>Section 1.</u> Section 9.37.055 is hereby added to the Santa Cruz Municipal Code to read as follows:

"9.37.055 INELIGIBILITY TO RECEIVE ZONING PERMITS OR BUILDING PERMITS.

- (a) A responsible person, or a responsible person's agent, shall be ineligible to receive, and shall not be issued, any Title 24 zoning permit or Title 18 building permit authorizing work on the responsible person's premises that would result in the potential intensification of use of those premises, if within three years of the date of the permit application any responsible person has been found guilty of violating Section 9.37.050 for conducting or allowing a loud or unruly gathering at those premises, or has failed to contest such a citation for a violation of Section 9.37.050. The provisions of this subsection shall apply whether the subject Section 9.37.050 citation is a criminal citation subject to adjudication in the Santa Cruz County Superior Court or an administrative citation subject to adjudication pursuant to the procedures delineated in Chapter 4.14 of this Code.
- (b) For purposes of this Section a permit authorizing work that would result in the intensification of use of premises is any zoning permit or building permit which, upon exercise of the permit, will result in an alteration of the premises that either: increases the number of rooms in the premises; converts non-sleeping rooms to sleeping rooms in the premises; increases the interior square footage, whether or not habitable, of the premises; increases the square footage of structures on the site with the addition of new detached buildings; or increases the number of off-street parking spaces on the premises."
- <u>Section 2</u>. For the reasons set forth in the Findings, this Ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety, property and general welfare.

<u>Section 3.</u> This ordinance shall take effect immediately and be enforced immediately upon its final adopted.

PASSED FOR PUBLICATION AND FINAL ADOPTION this 8th day of June , 2010, by the following vote: AYES: Councilmembers Lane, Mathews, Beiers, Robinson, Vice Mayor Coonerty; Mayor Rotkin. NOES: None. ABSENT: Councilmember Madrigal. DISQUALIFIED: None. APPROVED: Mike Rotkin, Mayor. ATTEST: Lorrie Brewer, City Clerk.