



**Agenda Item A.4
CONSENT CALENDAR
Meeting Date: January 20, 2026**

TO: Mayor and Councilmembers

SUBMITTED BY: Peter T. Imhof, Planning and Environmental Review Director

PREPARED BY: Anne Wells, Advance Planning Manager
Andy Newkirk, Supervising Planner
Cam Audras, Assistant Planner

SUBJECT: Second Reading of an Ordinance Amending Section 17.41.030 of the Goleta Municipal Code Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply with Recent Changes in State Law and Finding the Actions to Be Statutorily Exempt from the California Environmental Quality Act Under Section 21080.17 of the Public Resources Code

RECOMMENDATION:

Conduct second reading and adopt Ordinance No. 26-____, entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Section 17.41.030 of the Goleta Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to be Statutorily Exempt from the California Environmental Quality Act Under Public Resources Code Section 21080.17 (Case No. 25-0005-ORD).”

BACKGROUND:

In 2016, 2017, 2019, 2022, and 2024, the State adopted legislation limiting local control over the regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (hereafter referred to as “State ADU Law”). In response to the changes in State ADU Law, the City Council adopted Ordinances No. 18-01, 20-02, 23-02, and 24-08.

During the 2025 legislative session, the Governor signed into law four new bills that further amend State ADU Law: Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9, and SB 543. The passage of these bills made multiple changes to State ADU Law that must now be reflected in the City’s ADU and JADU regulations in Section 17.41.030 of the Goleta Municipal Code. AB 462 took immediate effect when signed; the remaining bills take effect January 1, 2026.

The Planning Commission considered the necessary changes to Section 17.41.030 at a public hearing on December 8, 2025 and unanimously recommended that City Council adopt the proposed amendments.

DISCUSSION:

On December 16, 2025, the City Council reviewed the amendments considered by the Planning Commission and took two actions. The first was to adopt an Urgency Ordinance to implement the changes to Section 17.41.030 considered by the Planning Commission. The Urgency Ordinance took immediate effect. The second was to introduce and conduct the first reading of a non-urgency Ordinance that makes the same changes to Section 17.41.030 as the Urgency Ordinance did.

The City Council must conduct a second reading of the non-urgency Ordinance (provided as Attachment 1) prior to the non-urgency Ordinance going into effect. The City Council has the opportunity to conduct the second reading and adopt the non-urgency Ordinance, which would then be effective on the thirty-first day after adoption and would supersede the identical Urgency Ordinance adopted on December 16, 2025.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting the non-urgency Ordinance. Funding for Planning and Environmental Review staff time to prepare the non-urgency Ordinance was included in the adopted FY 2025-26 Budget under Program 4300 of the Advance Planning Division. Implementation of the updated ADU regulations will continue to be handled within existing staff resources and permit revenue structures.

LEGAL REVIEW BY: Isaac Rosen, City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENT:

1. Ordinance No. 26-___, entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Section 17.41.030 of the Goleta Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to be Statutorily Exempt from the California Environmental Quality Act Under Public Resources Code Section 21080.17 (Case No. 25-0005-ORD)"

Ordinance No. 26-___, Exhibit A: Amended Section 17.41.030 of the Goleta Municipal Code

ATTACHMENT 1

Ordinance No. 26-____, entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Section 17.41.030 of the Goleta Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to be Statutorily Exempt from the California Environmental Quality Act Under Public Resources Code Section 21080.17 (Case No. 25-0005-ORD)"

ORDINANCE NO. 26-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GOLETA, CALIFORNIA, AMENDING
SECTION 17.41.030 OF THE GOLETA MUNICIPAL
CODE RELATING TO ACCESSORY DWELLING
UNITS AND JUNIOR ACCESSORY DWELLING
UNITS AND FINDING THE ACTION TO BE
STATUTORILY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT UNDER PUBLIC
RESOURCES CODE SECTION 21080.17 (CASE NO.
25-0005-ORD)**

WHEREAS, the City of Goleta, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, State law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to State ADU law; and

WHEREAS, the new updates to State ADU law, and for the City's ADU ordinance to remain valid, it must be amended to reflect most recent changes to State law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to State law; and

WHEREAS, on December 8, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on _____, 2025, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

WHEREAS all legal prerequisites to the adoption of the Ordinance have occurred;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. **Recitals**

The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. **Environmental Assessment**

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 Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by Section 66313. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements State ADU law.

SECTION 3. **Required Findings for an Ordinance Amendment**

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings:

- 1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.**

Because this Ordinance allows ADUs and JADUs in accordance with Chapter 13 of Division 1 of Title 7 of the California Government Code this Ordinance is “consistent with the existing general plan and zoning” as a matter of law (Government Code Section 66314(c)).

- 2. The amendment is in the interests of the general community welfare.**

This Ordinance is in the interest of the general community welfare, since it implements State law, specifically Chapter 13 of Division 1 of Title 7 of the California Government Code, which are intended to protect and promote the general welfare of homeowners and surrounding communities.

- 3. The amendment is consistent with good zoning and planning practices.**

The Ordinance is consistent with good zoning and planning practices, since it implements the subprogram HE 2.6 (Encourage Accessory Dwelling

Units) of the Housing Element 2023-31, State law, and other applicable law in a manner designed to encourage construction of affordable housing.

SECTION 4. **Title 17 Amendments**

Section 17.41.030 of the Goleta Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 5. **Submittal to the State**

In accordance with Government Code Sections 66326 and 66333.5, the Director of Planning and Environmental Review is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 6. **Effect of Amendments**

To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. **Codification**

The City Clerk shall cause these amendments to be appropriately codified in Title 17 of the Goleta Municipal Code on the effective date of this Ordinance.

SECTION 8. **Severability**

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 9. **Certification of City Clerk.**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 10. **Effective Date.**

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the 16th day of December 2025.

PASSED, APPROVED, AND ADOPTED this 20th day of January 2026.

PAULA PEROTTE
MAYOR

ATTEST:

DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

ISAAC ROSEN
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 26-__ was introduced on December 16, 2025, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 20th of January, 2026 by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

§ 17.41.030. Accessory Dwelling Units (ADUs).

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
 - 1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.
 - 2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.
 - 3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
 - 4. Required to correct a Nonconforming Zoning Condition, as defined in subsection (C)(9) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
 - 1. **Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 - 2. **Accessory Structure.** A structure that is accessory and incidental to a dwelling located on the same lot.
 - 3. **Complete Independent Living Facilities.** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-family dwelling is or will be situated.
 - 4. **Efficiency Kitchen.** A kitchen that includes each of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
 - 5. **Junior Accessory Dwelling Unit (JADU).** A residential unit that satisfies all of the following:
 - a. Is no more than 500 square feet of interior livable space in size;
 - b. Is contained entirely within an existing or proposed single-unit dwelling structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-

- family structure;
- c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-unit dwelling structure; and
- d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- e. Includes an efficiency kitchen, as defined subsection (C)(4) above.

6. **Livable Space.** A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

7. **Living Area.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

8. **Multi-Family Dwelling.** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

9. **Nonconforming Zoning Condition.** A physical improvement on a property that does not conform with current zoning standards.

10. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

11. **Proposed Dwelling.** A dwelling that is the subject of a permit application and that meets the requirements for permitting.

12. **Single-Unit Dwelling.** Any structure designed for human habitation that has been legally created for a single independent living quarters.

D. **Approvals.** The following approvals apply to ADUs and JADUs created under this section:

1. **Building Permit Only.** Pursuant to Government Code Section 66323, if an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is allowed with only a Building Permit under this section in each of the scenarios provided in subsection (D)(1). An ADU and JADU approved under subsection (D)(1)(a) may be combined with an ADU approved under subsection (D)(1)(b), and ADUs approved under subsection (D)(1)(c) may be combined with ADUs approved under subsection (D)(1)(d).
 - a. **Converted on Lot with Single-Unit Dwelling.** One ADU and one JADU on a lot with a proposed or existing single-unit dwelling on it, where the ADU or JADU:
 - i. Is either:
 - (1) Within the space of a proposed single-unit dwelling;
 - (2) Within the existing space of an existing single-unit dwelling; or
 - (3) (in the case of an ADU only) Within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

- ii. Has exterior access that is independent of that for the single-unit dwelling; and
- iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- iv. The JADU complies with the requirements of Government Code Sections 66333 through 66339.
- b. *Limited Detached on Lot with Single-Unit Dwelling.* One detached, new-construction ADU on a lot with a proposed or existing single-unit dwelling, if the detached ADU satisfies each of the following limitations:
 - i. The side and rear setbacks are at least four feet.
 - ii. The floor area is 800 square feet of livable space or smaller.
 - iii. The height does not exceed the applicable height limit in subsection (E)(2).
- c. *Converted on Lot with Multi-Family Dwelling.* One or more ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (D)(1)(c), at least one converted ADU is allowed within an existing multi-family dwelling, up to a quantity equal to 25 percent of the existing multi-family dwelling units.
- d. *Limited Detached on Lot with Multi-Family Dwelling.* No more than two detached ADUs on a lot with a proposed multi-family dwelling, or up to eight detached ADUs on a lot with an existing multi-family dwelling, if each detached ADU satisfies all of the following:
 - i. The side and rear setbacks are at least four feet. If the existing multi-family dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multi-family dwelling as a condition of approving the ADU.
 - ii. The height does not exceed the applicable height limit provided in subsection (E)(2) below.
 - iii. If the lot has an existing multi-family dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. **ADU Permit.**

- a. *Permit Required.* Except as allowed under subsection (D)(1), no ADU, may be constructed without a building permit and ADU permit in compliance with the standards set forth in subsections (E) and (F) below. ADUs approved under this subsection (D)(2) are those that qualify for approval under Government Code Section 66314 – 66322.
- b. *Processing Fee.* The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is approved by the City Council by resolution.

3. ***Process and Timing.***

- a. ***Completeness.***
 - i. **Determination in 15 Days.** The City will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the City receives the application submittal.
 - ii. **Incomplete Items.** If the City's determination under subsection (D)(3)(a)(i) above is that the application is incomplete, the City's notice must list the incomplete items and describe how the application can be made complete.
 - iii. **Cure.** After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete.
 - iv. **Subsequent Submittals.** If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the City will determine in writing whether the additional information remedies all the incomplete items that the City identified in its original notice. The City may not require the application to include an item that was not included in the original notice.
 - v. **Deemed Complete.** If the City does not make a timely determination as required by this subsection (a), the application or resubmitted application is deemed complete for the purposes of subsection (D)(3)(c) below.
 - vi. **Appeal of Incompleteness.** An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
- b. ***No Discretion or Hearing.*** Ministerial permits for an ADU or JADU are considered and approved ministerially, without discretionary review or a hearing.
- c. ***Deadline to Approve or Deny Ministerial Approvals.*** The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the complete application within 60 days, the application is deemed approved unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-unit dwelling or multi-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-unit dwelling or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

- d. *Denial.* If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (D)(3)(c) above.
- e. *Appeal of Denial.* An applicant may appeal the City's denial of the application by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
- f. *Coastal Zone.* When a complete ADU or JADU application is received, the City will immediately notify the California Coastal Commission of the complete application. The City will not approve an application to create an ADU or JADU in the Coastal Zone unless it is accompanied by a Coastal Development Permit, Coastal Development Permit Waiver, or other form of exemption from the California Coastal Commission.
- g. *Concurrent Review of Demolition Permits.* Any required demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU building permit and issued at the same time as the building permit.

E. General Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsection (D)(1) or (D)(2) above:

- 1. ***Zoning.***
 - a. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
 - b. An ADU subject to an ADU zoning permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use.
 - c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
- 2. ***Height.***
 - a. Except as otherwise provided by subsections (E)(2)(b) and (E)(2)(c) below, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
 - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18

feet in height.

- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(d) may not exceed two stories.
- e. For purposes of this Section, height is the vertical distance between the existing legal grade and the uppermost point of the roof of the structure directly above that legal grade.

3. ***Fire Sprinklers.*** Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. ***Rental Term.*** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. ***No Separate Conveyance.*** An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling in the case of a single-unit dwelling lot) or from the lot and all of the dwellings in the case of a multi-family dwelling lot).

6. ***Septic System.*** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

7. ***Owner-Occupancy.***

- a. ***ADUs.*** ADUs are not subject to an owner-occupancy requirement.
- b. ***JADUs.***
 - i. **Generally.** As required by State law, JADUs are generally subject to an owner-occupancy requirement under State law. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.
 - ii. **Exceptions.** The owner-occupancy requirement in this subsection (E)(7)(b) does not apply in either of the following situations:
 - (a) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).
 - (b) The property is entirely owned by another governmental agency, land trust, or housing organization.

8. ***Minimum Size.*** The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.

9. ***Deed Restriction.*** For all JADUs, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder's office

and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided

- a. The JADU may not be sold separately from the primary dwelling.
- b. The JADU is restricted to the approved size and to other attributes allowed by this section.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Title. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Title.
- e. The deed restriction is enforceable by the Director or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

10. ***Building and Safety.*** All ADUs and JADUs must comply with Title 15 of the Goleta Municipal Code. Construction of an ADU does not constitute a Group R occupancy change under Title 15, as described in Section 310 of the California Building Code, unless the City Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (E)(10) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

11. ***Rent Reporting.*** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 66330, the following requirements must be satisfied:

- a. As part of the building permit application, the applicant must provide the City with an estimate of the projected monthly rent that will be charged
- b. Within 90 days after September 1 of each year after issuance of the building permit, the owner must report the actual average monthly rent charged for the ADU or JADU during the prior year ending in September. If the City does not receive the report within the 90-day period, the owner is in violation of this Title, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

12. *Certificate of Occupancy Timing.*

- a. *Generally.* No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
- b. *Limited Exception for State-declared Emergencies.* Notwithstanding subsection (E)(12)(a) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:
 - i. The County of Santa Barbara is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.
 - ii. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
 - iii. The ADU has been issued construction permits and has passed all required inspections.
 - iv. The ADU is not attached to the primary dwelling.

F. *Supplemental Requirements for ADUs.* The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above: This subsection (F) does not apply to ADUs or JADUs approved under subsection (D)(1) above.

1. *Maximum Size.*

- a. The maximum size of a detached or attached ADU subject to this subsection F is as follows:
 - i. 850 square feet of interior livable space for a studio or one-bedroom.
 - ii. 1, 000 square feet of interior livable space for a unit with two or more bedrooms.
- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- c. Application of other development standards in this subsection F, such as FAR or lot coverage (as applicable), might further limit the size of the ADU, but no application of the percent-based size limit in (F)(1)(b) above or of an FAR, front setback, lot coverage limit, or open-space requirement (as applicable) may require the ADU to have less than 800 square feet of interior livable space.

2. *Lot Coverage.* No ADU subject to this subsection F may exceed 10 percent of the total lot area of the subject lot, subject to subsection (F)(1)(c) above.

3. *Setbacks.* ADUs subject to this subsection F must observe the following setback requirements:

- a. Side setback: Four feet.
- b. Rear setback: Four feet.

- c. Front setback: 20 feet, subject to subsection (F)(1)(c) above.
- d. No setback is required for an ADU subject to this subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.

4. **Separation.** The minimum separation between the primary dwelling unit and a detached ADU must be at least five feet for new construction.
5. **Passageway.** No passageway, as defined by subsection (C)(10) above, is required for an ADU.
6. **Parking.**
 - a. Parking spaces are not required for ADUs.
 - b. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

7. **Design Requirements.**
 - a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance of those of the primary dwelling.
 - i. Samples of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
 - b. The roof pitch must match that of the dominant roof pitch of the primary dwelling. The dominant roof pitch is the pitch shared by the largest portion of the roof. Roof pitch and roof materials for a newly constructed ADU may be different from that of the primary dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.
 - c. Landscaping is required to enhance the appearance of the ADU as follows:
 - i. At least one 15-gallon size plant shall be provided along every five linear feet of exterior ADU wall in between the ADU and the right-of-way. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior ADU wall.
 - ii. New landscaping must use water-efficient species only.
 - d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.
 - e. Exterior lighting shall be directed downward, fully shielded, and full cutoff or as otherwise required by the building or fire code.

8. ***Historical Protections.*** An ADU that is on real property that is listed in the California Register of Historic Resources may not alter the exterior of any structure that is designated as a historic resource or, if the entire lot is designated as a historic resource, it may not alter the exterior of any structure on the lot.

G. **Impact Fees.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. No impact fee is required for a JADU or for an ADU that has less than 750 square feet of interior livable space. For purposes of this subsection (G)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
2. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code Section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code Section 17620.
3. Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit.

H. **Utility Fees.** Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this Section.

I. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**

1. ***Generally.*** The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
2. ***Unpermitted ADUs and JADUs Constructed Before 2020.***
 - a. ***Permit to Legalize.*** As required by State law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - i. The ADU or JADU violates applicable building standards, or
 - ii. The ADU or JADU does not comply with the State ADU or JADU law or this Section 17.41.030.
 - b. ***Exceptions:***
 - i. Notwithstanding subsection (I)(2)(a) above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

- ii. Subsection (I)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.
- J. **Discretionary Approval.** Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this Section may be allowed through other applicable City discretionary approval process, including, but not limited to the Modification and Design Review Board processes.