



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

SUBJECT: Consideration of Urgency and Non-Urgency Ordinances 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 Environmentally Quality Act Under Section 21080.17 of the Public Resources Code

RECOMMENDATION:

- A. Adopt on a four-fifths vote Urgency Ordinance No. 24-__U, entitled, “An Urgency 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. 24-0006-ORD).”

- B. Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 24-__, 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. 24-0006-ORD).”

BACKGROUND:

In 2016, 2017, 2019, and 2022, the State adopted several pieces of 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, and 23-02.

During the 2024 legislative session, the Governor signed into law two new bills related to ADUs and JADUs: Assembly Bill (AB) 2533 and Senate Bill (SB) 1211. Both AB 2533 and SB 1211 take effect January 1, 2025. To remain valid, the City's ADU regulations must comply with the requirements imposed by AB 2533 and SB 1211. Adopting changes to the City's existing ADU and JADU regulations, Section 17.41.030 of the Goleta Municipal Code (GMC) ensures that the City's ADU and JADU regulations will be valid under AB 2533 and SB 1211. An explanation of these two bills and the amendments to Section 17.41.030 is provided in the discussion below.

The Planning Commission considered the proposed changes at a public hearing on November 18, 2024, and unanimously recommended that City Council adopt the proposed amendments.

DISCUSSION:

As noted above, AB 2533 and SB 1211 made changes to State ADU law that now must be reflected in the City's ADU and JADU regulations in Section 17.41.030 of the GMC.

Staff is presenting the changes to Section 17.41.030 of the GMC as an Urgency Ordinance (Attachment 1) and Non-Urgency Ordinance (Attachment 2). A four-fifths vote of the City Council is required to enact an urgency ordinance. The Urgency Ordinance would become effective immediately and would therefore provide local regulatory control, where available, for ADU projects when AB 2533 and SB 1211 become effective on January 1, 2025. The Non-Urgency Ordinance requires two readings by City Council for adoption and would supersede the Urgency Ordinance, once adopted.

The amendments to Section 17.41.030 in these two ordinances (Proposed Ordinances) are identical. For context purposes, an underline/strikethrough version of Section 17.41.030 comparing the City's existing ADU and JADU regulations to what is included in the Proposed Ordinances is provided as Attachment 3.

The changes included in the Proposed Ordinances are explained below.

Unpermitted ADUs and JADUs

Subject to limited exceptions, existing State ADU law prohibits the City from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize, if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure. The City's current ADU regulations to implement these requirements are included in subsection 17.41.030(l)(2).

AB 2533 changes the above-referenced requirements by: (1) expanding the above denial prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018 to January 1, 2020; and (3) replacing the above-referenced exception with a requirement that local agencies find that correcting the violation is necessary to comply

with the standards specified in Health and Safety Code Section 17920.3 (Substandard Buildings). (See amended Government Code Section 66332(a)–(f).)

The Proposed Ordinances include amendments to subsection 17.41.030(I)(2) to implement these three changes included in AB 2533.

Replacement Parking Requirements

Existing State ADU law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU. The City’s current ADU regulations to implement this requirement are included in subsection 17.41.030(F)(6)(b).

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Government Code Section 66314(d)(11).)

The Proposed Ordinances include amendments to subsection 17.41.030(F)(6)(b) to implement this change included in SB 1211.

Multi-Family ADUs – Livable Space

Existing State ADU law requires the City to ministerially approve qualifying Building Permit-only applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages...” The City currently implements this requirement in subsection 17.41.030(D)(1)(c)(i). The term “livable space” is not defined.

SB 1211 changes existing law by adding a new definition for “livable space” to mean a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. (See amended Government Code Section 66313(e).)

The Proposed Ordinances include a new definition for “Livable Space” in subsection 17.41.030(C) to implement the new definition included in SB 1211.

Multi-Family ADUs – Number of Detached ADUs

Existing State ADU law allows a lot with an existing or proposed multi-family dwelling to have up to two detached ADUs. This allowance is included in the City’s ADU regulations in subsection 17.41.030(D)(1)(d).

Under SB 1211, a lot with an existing multi-family dwelling can now have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Government Code Section 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a proposed multi-family dwelling

can have — the limit remains at two. (See amended Government Code Section 66323(a)(4).)

The Proposed Ordinances include amendments to subsection 17.41.030(D)(1)(d) to allow the increased number of detached ADUs allowed on sites with existing multi-family residential dwellings, consistent with SB 1211.

Other Changes

The Proposed Ordinances include three additional changes to the City's ADU regulations to better align with existing State ADU law. The first is to clarify in subsection 17.41.030(E)(1) that JADUs are only allowed on lots zoned for single-family residences. The second is to remove the timing requirement (prior to Building Permit issuance) for the filing of the deed restriction for all ADUs and JADUs (in subsection 17.41.030(E)(9)), as this requirement cannot be used to prevent the issuance of a Building Permit under State ADU law. Instead, the City will require the deed restriction prior to allowing occupancy. The third is to limit attached ADUs only to fifty percent of the primary dwelling when the primary dwelling already exists (as compared to a proposed primary dwelling), in subsection 17.41.030(F)(1)(b).

The Proposed Ordinances also include several revisions that are non-substantive but serve to better implement State ADU law and provide greater clarity for implementation of the City's ADU regulations. These revisions include: updated State ADU law citations; updated and added specific cross-references; clarifying clauses and subsection titles; and added references to applicability to JADUs, where appropriate.

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

A draft Notice of Exemption is provided as Attachment 4.

FISCAL IMPACTS:

There is no direct fiscal impact for this item. Funding for Planning and Environmental Review staff time to prepare the Proposed Ordinances, and associated environmental documentation, is included in the adopted Advance Planning Division FY 2024–25 Budget.

ALTERNATIVES:

The City Council could choose not to adopt the Urgency and Non-Urgency Ordinances. Failure to adopt the Proposed Ordinances would prohibit the City from applying any standards for ADUs and JADUs not explicitly provided for in State ADU Law as of January 1, 2025, until such time as the City adopts an ADU ordinance.

LEGAL REVIEW BY: Isaac Rosen, Acting City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENTS:

1. Urgency Ordinance No. 24-__U, entitled "An Urgency 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. 24-0006-ORD)"

Exhibit A: Amended Section 17.41.030 of the Goleta Municipal Code

2. Non-Urgency Ord Ordinance No. 24-__, 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. 24-0006-ORD)"

Exhibit A: Amended Section 17.41.030 of the Goleta Municipal Code

3. Section 17.41.030 of the Goleta Municipal Code Showing Track-Changes Edits Based on the Proposed Ordinances Compared to the City's Previous Permanent ADU Regulations in Tracked Changes Table (For Reference Purposes Only)
4. Notice of Exemption
5. Presentation

ATTACHMENT 1

Ordinance No. 24-__U, entitled “An Urgency 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. 24-0006-ORD)”

ORDINANCE NO. 24-__U

**AN URGENCY 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. 24-0006-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 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend State ADU law; and

WHEREAS AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS there is a current and immediate threat to the public health, safety, or welfare based on the passage of AB 2533 and SB 1211 because if the City’s ordinance does not comply with this legislation by January 1, 2025 — and the City’s ADU ordinance becomes null and void — the City would thereafter be required to approve ADUs and JADUs in accordance with the few default standards that are provided in Chapter 13 of Division 1 of Title 7 of the California Government Code, which is the state ADU law; and

WHEREAS the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback,

landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this Ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this Ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b).

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 Section 66326, 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.

This Urgency Ordinance is adopted by a four-fifths majority vote of the City Council.

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 takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2024.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING 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. 24-__U was duly adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT A

Amended Section 17.41.030 of the Goleta Municipal Code

Section 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)(8) 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 all 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 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 in 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 under this section:
- 1. **Building Permit Only.** 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 the following scenarios:
 - a. **Converted on Single-Unit Lot.** 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 Single-Unit Dwelling Lot.* One detached, new-construction ADU on a lot with a proposed or existing single-unit dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies each of the following limitations:
- i. The side and rear setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The height does not exceed the applicable height limit in subsection (E)(2).
- c. *Converted on Multi-Family Dwelling Lot.* 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 Multi-Family Dwelling Lot.* 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 or legalized without a building permit and ADU permit in

compliance with the standards set forth in subsections E and F below.

- i. Inland Area. Within the inland area of the City, except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.
- ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU, unless exempt from the Coastal Act as determined by the California Coastal Commission.
- iii. 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. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. 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 completed application. If the City has not approved or denied the completed 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 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.
- c. *Denials*. 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)(b) above.
- d. *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 ADUs and JADUs 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 if sprinklers are required in the primary residence. The construction of an ADU 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 created under this Section on or after January 1, 2020, are not subject to an owner-occupancy requirement.
 - b. As required by State law, all JADUs are 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. However, the owner-occupancy requirement in this subsection (E)(7)(b) does not apply if 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 ADU or JADU, 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 by the City and must provide that:
 - a. Except as otherwise provided in Government Code Section 66341, the ADU or JADU may not be sold separately from the primary dwelling.
 - b. The ADU or 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 ADU or 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 ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of this Title. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or 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 ADU or 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 for the ADU or JADU.
 - 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.

F. **Supplemental Requirements for ADUs.** The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) 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 for a studio or one-bedroom.
 - ii. 1,000 square feet 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 be less than 800 square feet.

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)(9) 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 that are approved under subsections (D)(1) or (D)(2) above:
- 1. No impact fee is required for an ADU that is less than 750 square feet in size. 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. Any impact fee that is required for an ADU that is 750 square feet or larger in size 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.
- 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.

ATTACHMENT 2

Ordinance No. 24-__, 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. 24-0006-ORD)”

ORDINANCE NO. 24-__

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. 24-0006-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 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend State ADU law; and

WHEREAS AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on November 18, 2024, 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 _____, 2024, 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 Section 66326, 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 ___ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2024.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

ISAAC ROSEN
ACTING 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. 24-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

EXHIBIT A

Amended Section 17.41.030 of the Goleta Municipal Code

Section 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)(8) 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 all 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 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 in 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 under this section:
- 1. **Building Permit Only.** 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 the following scenarios:
 - a. **Converted on Single-Unit Lot.** 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 Single-Unit Dwelling Lot.* One detached, new-construction ADU on a lot with a proposed or existing single-unit dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies each of the following limitations:
- i. The side and rear setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The height does not exceed the applicable height limit in subsection (E)(2).
- c. *Converted on Multi-Family Dwelling Lot.* 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 Multi-Family Dwelling Lot.* 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 or legalized without a building permit and ADU permit in

compliance with the standards set forth in subsections E and F below.

- i. Inland Area. Within the inland area of the City, except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.
- ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU, unless exempt from the Coastal Act as determined by the California Coastal Commission.
- iii. 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. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. 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 completed application. If the City has not approved or denied the completed 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 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.
- c. *Denials*. 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)(b) above.
- d. *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 ADUs and JADUs 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 if sprinklers are required in the primary residence. The construction of an ADU 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 created under this Section on or after January 1, 2020, are not subject to an owner-occupancy requirement.
 - b. As required by State law, all JADUs are 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. However, the owner-occupancy requirement in this subsection (E)(7)(b) does not apply if 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 ADU or JADU, 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 by the City and must provide that:
 - a. Except as otherwise provided in Government Code Section 66341, the ADU or JADU may not be sold separately from the primary dwelling.
 - b. The ADU or 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 ADU or 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 ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of this Title. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or 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 ADU or 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 for the ADU or JADU.
 - 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.

F. **Supplemental Requirements for ADUs.** The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) 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 for a studio or one-bedroom.
 - ii. 1,000 square feet 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 be less than 800 square feet.

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)(9) 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 that are approved under subsections (D)(1) or (D)(2) above:
- 1. No impact fee is required for an ADU that is less than 750 square feet in size. 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. Any impact fee that is required for an ADU that is 750 square feet or larger in size 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.
- 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.

Attachment 3

Section 17.41.030 of the Goleta Municipal Code Showing Track-Changes Edits Based on the Proposed Ordinances Compared to the City's Previous Permanent ADU Regulations in Tracked Changes Table (For Reference Purposes Only)

Section 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 Sections 65852.2 and 65852.22.
- 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)(8) 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~~all 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 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 in subsection (C)(4) above.

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

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

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

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

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

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

11.12. 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 ~~requirements~~ apply to ADUs and JADUs under this section:

1. **Building Permit Only.** 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 ~~exempt from zoning permits~~ under this section in the following scenarios:

- a. *Converted on Single-Unit Lot.* ~~Only 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 Section ~~s 66333 through 66339~~65852.22.
- b. *Limited Detached on Single-Unit Dwelling Lot.* One detached, new-construction ADU on a lot with a proposed or existing single-unit dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies each of the following limitations:
- i. The side and rear setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The height does not exceed the applicable height limit in subsection (E)(2).
- ~~e.—Converted on Multi-Family Dwelling Lot.~~
- ~~d.—Multiple~~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), a~~
- ~~e.c.~~AUnder this subsection (D)(1)(c), at least one converted ADU is allowed within an existing multi-family dwelling, ~~and up to a quantity equal to 25 percent of the existing multi-family dwelling units may each have a converted ADU under this subsection.~~
- ~~f.d.~~Limited Detached on Multi-Family Dwelling Lot. No more than two detached ADUs on a lot ~~that has an existing or~~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 limitations:
- 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.

ii.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 or legalized without a building permit and zoning-ADU permit in compliance with the standards set forth in subsections E and F below.
 - i. Inland Area. Within the inland area of the City, except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.
 - ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU, unless exempt from the Coastal Act as determined by the California Coastal Commission.
 - iii. 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. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. 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 completed application. If the City has not approved or denied the completed 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 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 processed considered ministerially without discretionary review or a hearing.
- c. *Denials.* 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)(b) above.

- d. *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. **Development Standards for General ADUs and JADUs 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 ~~or JADU~~ 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 ~~or JADU~~ 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.
- b.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 a 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 ~~district~~ 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 Ssection, 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 if sprinklers are required in the primary residence. The construction of an ADU 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 65852.2666341, 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 created under this Section on or after January 1, 2020, are not subject to an owner-occupancy requirement.
 - b. As required by State law, Aall JADUs are 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. However, the owner-occupancy requirement inof this paragraph subsection (E)(7)(b) does not apply if 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.** ~~Prior to issuance of a building permit for an~~For all ADU or JADU, 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 by the City and must provide that:
 - a. Except as otherwise provided in Government Code Section 6634165852.26, the ADU or JADU may not be sold separately from the primary dwelling.
 - b. The ADU or 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 ADU or 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 ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may

be taken from the Director's determination consistent with other provisions of City zoning regulation this Title. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of the City's zoning regulation 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 ADU or 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 Income Reporting.*** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.266330, 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 for the ADU or JADU.
 - 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.
- F. ***Supplemental Development Standards Requirements for ADUs.*** The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) 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 for a studio or one-bedroom ADU.

- ii. 1,000 square feet for a unit-ADU with two or more bedrooms.
 - b. An attached ADU that is created on a lot with an existing ~~or proposed~~ primary dwelling is further limited to 50 percent of the floor area of the existing ~~or proposed~~ 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 be less than 800 square feet.
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~~ 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)(9) above, is required for an ADU.
 6. **Parking.**
 - a. Parking spaces are not required for ADUs.
 - b. No Replacement. When a garage, carport, ~~or~~ 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. **Development Impact Fees.** The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above:

- 1. No ~~development~~ impact fees ~~is~~are required for an ADU that is less than 750 square feet in ~~floor area~~size. 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. Any ~~development~~ impact fee that is required for an ADU that is 750 square feet or larger in ~~floor area~~size must be charged proportionately in relation to the square footage of the primary dwelling unit. ~~“Development impact fee” here does not include any connection fee or capacity charge for water or sewer service.~~

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.

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 202018.**
 - 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, 202018, 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 (~~Government Code Section 65852.2~~) or this Ssection 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, ~~2018~~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~~protect the health and safety of the public or of occupants of the structure.~~
 - 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 ~~s~~SSection may be allowed through other applicable City discretionary approval process, including, but not limited to the Modification and Design Review Board processes.

Attachment 4
Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: Office of Land Use and Climate Innovation
Via <https://ceqanet.opr.ca.gov/>

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title: ADU and JADU Regulation Amendments to Implement Changes in State Law (Case No. 24-0006-ORD)

Project Applicant: City of Goleta

Project Location (Address and APN): Citywide

Description of Nature, Purpose and Beneficiaries of Project:

The project includes the replacement of the City's existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations (Section 17.41.030 of the Goleta Municipal Code) with a new set of citywide ADU and JADU standards that will fully comply with the changes in State laws (Assembly Bill 2533 (2024) and Senate Bill 1211 (2024)). Changes to the City's ADU and JADU regulations relate to: Unpermitted ADUs and JADUs, Replacement Parking Requirements, Definition of Livable Space; and Multi-Family ADUs – Number of Detached ADUs. Additional revisions include minor alignments with State ADU law; updated State ADU law citations; updated and added specific cross-references; clarifying clauses and subsection titles; and added references to applicability to JADUs, where appropriate.

Name of Public Agency Approving the Project: City of Goleta

Name of Person or Agency Carrying Out the Project: City of Goleta

Exempt Status: *(check one)*

- Ministerial (§15268)
- Declared Emergency (§15269 (a))
- Emergency Project (§15269 (b) (c))
- Categorical Exemption: (Insert Type(s) and Section Number(s))
- Statutory Exemption: Public Resources Code, §21080.17
- Other: CEQA Guidelines, §15060(c)(3); §15378(a); §15378(b)(5); §15061(b)(3)

Reason(s) why the project is exempt:

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 Government Code, which is California's ADU law and which also regulates JADUs, as defined by Section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

NOTICE OF EXEMPTION (NOE)

City of Goleta Contact Person:

Peter Imhof

Director, Planning & Environmental Review

Date

Attachment 5
Staff Presentation

Amendments to Section 17.41.030 of the GMC Regarding ADUs and JADUs

Presentation By:
Anne Wells
Andy Newkirk

December 3, 2024



Public Hearing Agenda

- Suggested Format:
 - Staff Presentation
 - Council Questions
 - Public Comment
 - Council Deliberation
 - Action on Recommendations



Unpermitted ADUs and JADUs

- Current: Cannot deny permit to legalize an unpermitted ADU constructed before **January 1, 2018**, if the denial is based on the ADU not complying with ADU standards.
- Change: Extend to **January 1, 2020**



Replacement Parking Requirements

- Current: Cannot require parking spaces to be replaced when a **garage, carport, or covered parking structure** is demolished in conjunction with an ADU
- Change: Add **uncovered parking space** to list



Multi-Family ADUs – Livable Space

- Current: ADUs allowed within “portions of existing multifamily dwelling structures that are not used as **livable space**...”
- Change: Added definition for “**livable space**” as “a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”



Multi-Family ADUs – Number of Detached ADUs

- Current: Lot with an existing or proposed **multi-family dwelling** can have up to **two detached ADUs**
- Change:
 - Lot with an existing multi-family dwelling: Up to **Eight** detached ADUs, **or** as many detached ADUs as there are primary dwelling units on the lot, whichever is less.
 - Lot with a proposed multi-family dwelling: **Two**.



Other Changes

- Minor alignments with State ADU law
- Updated State ADU law citations
- Updated and added specific cross-reference citations
- Clarifying clauses and subsection titles
- Added references to applicability to JADUs, where appropriate



Staff Recommendation

A. Adopt on a four-fifths vote Urgency Ordinance No. 24-__U, entitled, “An Urgency 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. 24-0006-ORD).”

B. Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 24-__, 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. 24-0006-ORD).”



Hearing Steps

- Council Questions
- Public Comment
- Council Deliberation
- Action on Recommendations

