



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning & Environmental Review Department Director

CONTACT: Anne Wells, Advance Planning Manager
J. Ritterbeck, Senior Planner

SUBJECT: Accessory Dwelling Unit Ordinance

RECOMMENDATION:

Introduce and conduct the first reading (by title only) and waive further reading, of Ordinance No. 18-___, entitled "An Ordinance of the City Council of the City of Goleta, California, Repealing or Amending Sections 35-69.3.9, 35-68.12, 35-70.3.9, 35-70.5.2, 35-70.10, 35-71.3.8, 35-71.13, 35-73.3.9, 35-73.4.2(c), 35-73.10, 35-120.14, 35-142, 35-179.2.3.f.(2), 35-216.3.11, 35-219.3.8, 35-219.13.B, 35-291, and 35-321.2.3.f.(2), of the Goleta Municipal Code Pertaining to the Processing of and Development Standards for Residential Second Units and Adopting New Development Standards for Accessory Dwelling Units" (Attachment 1).

BACKGROUND

On January 1, 2018, new State law, Senate Bill (SB) 229 and Assembly Bill (AB) 494, came into effect regarding accessory dwelling units (ADUs), also commonly referred to as residential second units or granny flats. The new regulations are intended to address California's housing shortage by making it easier for property owners to develop ADUs, which are believed to help provide affordable housing options, especially for family members, students, the elderly, in-home health care providers, the disabled, and other vulnerable populations. The new State law also attempts to address local zoning barriers that may also hinder the development of ADUs (e.g., density, parking, service connections, etc.).

The City has the choice of either following the standards for ADUs set forth in the State law or adopting an ordinance that includes additional development standards, yet still complies with the State regulations. On September 19, 2017, the City Council directed staff to develop an ADU Ordinance that allows and regulates ADUs, consistent with State requirements. However, the specifics of the ordinance needed to be developed.

On November 13, 2017 and February 12, 2018, staff held two public workshops to provide the Planning Commission and the public information on new ADU requirements within the State law and to seek additional feedback from the Planning Commission and the public prior to Planning staff's drafting of a new ADU Ordinance. The first workshop introduced eleven issue areas where the State gave local jurisdictions discretion to adopt local

standards. Staff summarized those eleven areas into eight specific discussion topics. The workshop then focused the majority of discussion on the first three topics, specifically with regard to overall ADU size, appropriate permitting process, and the location of the unit on a property. The last five topics were discussed at the second workshop, which include the following: Fees, Parking Standards, Design Standards, Junior ADUs, and Owner & Rental Standards.

At the request of the Planning Commission, staff provided the Design Review Board (DRB) with an update on February 27, 2018 to broadly discuss specific aesthetic standards in the two areas the State allows local jurisdictions to consider visual attributes of an ADU: design and landscaping. After receiving comments from the DRB members and the public, staff analyzed the feedback from all prior hearings and workshops and drafted preliminary development and design standards, an ADU application (Attachment 3), and a supporting plant list of appropriate drought-tolerant species (Attachment 4) as an aid to the public. On March 27, 2018, staff returned to the DRB one last time to review this material and gather any additional input before finalizing the draft language of the Ordinance. Minor edits were made based upon their feedback and the Draft ADU Ordinance was then sent to the State's Department of Housing and Community Development (HCD) for their preliminary review on April 17, 2018, with return comments received later that same day.

On April 23, 2018, staff provided the City Council's Ordinance Review Standing Committee with a briefing to give a generalized update of both current State law and the status of the new ordinance. Later that same day, staff took the Draft ADU Ordinance to the City's Planning Commission for discussion and recommendation to the City Council. With a 4-1 majority vote to adopt Resolution No. 18-04 recommending that the City Council adopt the ADU Ordinance and incorporating the minor revisions listed below:

1. Distinguishing between a "standard" ADU and an "efficiency" ADU, based upon feedback from HCD.
2. Reducing the overall maximum size of a standard ADU from 1,000 square feet to 800 square feet.
3. Based upon feedback from HCD, incorporating an allowance for efficiency ADUs to have partial kitchens and to limit the size of such units to a minimum of 150 square feet and a maximum of 200 square feet.
4. Increase the owner-occupancy requirement from three years to five years after construction and final building inspection clearance for an ADU.
5. Include the owner-occupancy requirement as part of the recorded covenant along with the restriction on the sale of ADU separate from the main dwelling, but include a provision that allows the Planning and Environmental Review Director to approve certain hardship exceptions.
6. Excluding the term "floodplain" from the definition of "Lot Area (Net)", based upon concern over the vagueness of the term as well as feedback from HCD.

DISCUSSION

City Policy

The City's General Plan supports the permitting of ADUs and Housing Element Implementation Program HE 2.7 encourages their construction on new or existing single-family lots. The intent of the policy is to provide affordable housing options for Goleta residents through a ministerial permit process. Additionally, HE 2.7 encourages the implementation of a proportional Development Impact Fee structure that provides lower impact fees for ADUs that are commensurate with their small size and level of impacts.

State Regulation

Over the past two years, the State has adopted several pieces of legislation in an effort to streamline the development of ADUs. In 2016, Governor Brown signed SB 1069 and AB 2299 in to law. In October 2017, Governor Brown signed AB 494 and SB 229 to add clarity to the legislation adopted the year prior. The regulations included in these four pieces of legislation are incorporated into the California Government Code as Section 65852.2. Government Code Section 65852.2 is provided as Attachment 4 to this staff report.

State law defines ADUs as an attached or a detached residential dwelling unit that provides completed independent living facilities for one or more persons. ADUs must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. The definition of an ADU also includes provisions for efficiency units as well as manufactured homes.

State law provides a wide variety of specific standards and regulations related to ADUs. Below is a summary of the major elements of the law:

1. **No Prohibition.** Local governments are prohibited from adopting an ordinance that outright prohibits ADUs.
2. **Single-Family Dwelling on Site.** ADUs are allowed if a lot is zoned for single-family or multifamily use and contains an existing or proposed single-family dwelling.
3. **Fees and Charges.** New connection fees or capacity charges are prohibited, including water and sewer service, for an ADU contained within an existing residence or accessory structure. For new attached and detached ADUs, any fee or charge must be proportional to the burden of the unit on the water or sewer system.
4. **Review Process.** The review process for ADUs is required to be ministerial¹ and must be made within 120 days from the receipt of a complete ADU application.
5. **Size.** The floor area for an attached ADU cannot exceed 50% of the area of the primary dwelling up to a maximum floor area of 1,200 square feet. The total floor area for a detached ADU cannot exceed 1,200 square feet. However, the City may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units, as long as the City permits at least an efficiency unit (minimum of 150 square feet).

¹ Ministerial - an action taken by a government agency on a project that follows established procedures and standards and does not call for a public hearing or the exercise of discretion or judgment in the decision to approve the project.

6. **Setbacks.** Local governments are prohibited from requiring a setback for an existing garage that is converted to an ADU. However, local jurisdictions may impose setback requirements for all other ADUs.
7. **Building Code.** The ADU must comply with local Building Code requirements.
8. **Rent Status.** The ADU may be rented, but may not be sold separate from the primary dwelling.
9. **Fire Sprinklers.** Local governments are prohibited from requiring fire sprinklers in ADUs, if the primary residence is not required to have fire sprinklers.
10. **Parking.** Parking requirements are either reduced or eliminated. Parking requirements for ADUs must not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. Further, parking requirements are prohibited if the ADU is within a half mile of public transit; is within a historic district; is part of an existing primary residence or accessory structure; is located in an area where on-street parking permits are required, but not offered to the occupant of an ADU; or is located within one block of a car share area.
11. **Owner/Rental Restrictions.** Local governments may require the applicant to be an owner-occupant of either the primary residence or the ADU. A prohibition of short-term rentals may also be added to ADUs.

State law also provides that any existing local ADU Ordinance that does not meet the above requirements is “null and void.” The City does have existing standards for ADUs within the Inland and Coastal Zoning Ordinances. However, the City’s regulations are inconsistent with the current State law because of parking requirements, prohibitions of ADUs on lot sizes less than 7,000 square feet, and a discretionary approval process. Because the City’s existing ADU Ordinances do not meet the new law, its current development standards are null and void. As such, the City must currently approve ADU applications based solely on their compliance with the State law, until the City adopts a compliant ordinance. The City is not required to enact an ADU Ordinance, if it does not want to vary the development standards or other default provisions of the State law.

SUMMARY

The City’s ADU Ordinance must reflect the statutory requirements as well as the mandated development standards of the new State law. However, the new law does provide local jurisdictions some discretion in how they regulate and permit ADUs. In order to draft the City’s new ADU Ordinance, staff sought input from the public, the Planning Commission, and the Design Review Board. Through the public meetings and workshops, staff asked a number of general questions to elicit feedback and guidance in those areas where the State law affords local jurisdictions discretion.

In general, the six most fundamental questions asked include the following:

- 1) **Size:** What should the maximum allowable size of a unit be?
- 2) **Setbacks:** What setbacks should be applicable?
- 3) **Parking:** What form of parking standards should be imposed?
- 4) **Design:** What types of aesthetic design standards should be developed?
- 5) **JADUs:** Should the City provide allowances for Junior ADUs?

6) **Rentals:** What type(s) of owner-occupant or rental standards should the City apply?

After evaluating all of the feedback received from all interested parties, the general consensus on each of the six key issues areas is summarized below and has been compiled into the new Draft ADU Ordinance for the City Council to review and consider this evening.

Size: Although the State law allows ADUs to be constructed up to 1,200 square feet in size, the draft ordinance recommends a size limit of 800 square feet. Additional development standards include requiring a full kitchen and full bathroom (except for efficiency ADUs), while limiting the unit to a maximum of two bedrooms. The height of the unit would be limited to one story and no taller than 16 feet if situated on the ground-level or 12 feet if it extends into a setback.

Setbacks: The draft ordinance recommends maintaining the standard setbacks that apply to the base zone district of the subject lot. Any encroachment into a setback would trigger additional design requirements, such as decreased height limit and required landscape screening, to minimize effects on neighboring homes.

Parking: After reviewing where the City has authority to require off-street parking for an ADU, it was determined that such a standard would only be applicable to approximately 100 of the over 5,300 dwellings in the City. As such, no additional parking would be required for the ADU. However, in the case of converting a garage to an ADU any loss of required parking for the principle dwelling would need to be replaced. Replacement parking would be allowed to extend into setbacks, as tandem, or any other configuration allowed by State law.

Design: An attached ADU must reflect the exterior appearance, style, and character of the principle dwelling by using similar materials and colors. A detached ADU must also reflect the exterior appearance of the principle dwelling unless the ADU is a modular or manufactured home, in which case its construction style may differ.

JADUs: Since the new ordinance would effectively allow an ADU to be constructed on any of the over 5,300 single-family lots in the City, the general consensus was that there was no need to create specific provisions for junior units.

Rentals: The new ordinance allows ADUs to be rented, but requires rentals to be of periods of 30 days or more. Additionally, the owner of the lot would be required to record a covenant indicating that the current and any future owner will live in either the principal dwelling or the ADU for a period of at least five years after the ADU is constructed. The City will also be tracking the rental rate for new ADUs in order to count them toward our Regional Housing Need Allocation (RHNA).

CEQA

Adoption of the new ADU Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15282(h), which states that the adoption of an ordinance regarding second units in a single-family or multifamily residential

zone by a city to implement the provisions of Section 65852.2 of the Government Code is statutorily exempt from the guidelines for implementation of CEQA.

ALTERNATIVES:

The City Council has the options to take no action on this item at this time, defer discussion of this item to a future meeting, or elect not to adopt an ADU ordinance.

FISCAL IMPACTS:

There is no direct fiscal impact with introducing and conducting the first reading of the proposed draft ordinance. Funding for Planning and Environmental Review staff time to prepare the Draft ADU Ordinance was included in the adopted FY 2017–18 Budget under Program 4300 of the Advance Planning Division.

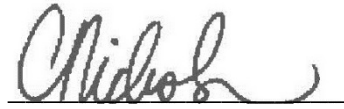
RECOMMENDED ACTION

After review of the Draft ADU Ordinance, as provided in Attachment 1, the City Council is asked to adopt Ordinance No. 18-___, officially repealing and replacing Ordinance No. 03-07 and all components that were incorporated into the City's Municipal Code.

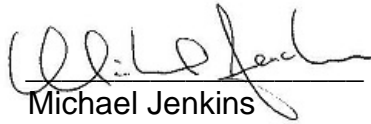
Reviewed By:

Legal Review By:

Approved By:



Carmen Nichols
Deputy City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS

1. Draft ADU Ordinance: Ordinance No. 18-___
2. CEQA Notice of Exemption
3. Draft ADU Application
4. Supplemental Drought-Tolerant & Native Plant List
5. Government Code Section 65852.2

Attachment 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING OR AMENDING SECTIONS 35-69.3.9, 35-68.12, 35-70.3.9, 35-70.5.2, 35-70.10, 35-71.3.8, 35-71.13, 35-73.3.9, 35-73.4.2(c), 35-73.10, 35-120.14, 35-142, 35-179.2.3.f.(2), 35-216.3.11, 35-219.3.8, 35-219.13.B, 35-291, AND 35-321.2.3.f.(2), OF THE GOLETA MUNICIPAL CODE PERTAINING TO THE PROCESSING OF AND DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS AND ADOPTING NEW DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS

ORDINANCE NO. 18-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REPEALING OR AMENDING SECTIONS 35-69.3.9, 35-68.12, 35-70.3.9, 35-70.5.2, 35-70.10, 35-71.3.8, 35-71.13, 35-73.3.9, 35-73.4.2(c), 35-73.10, 35-120.14, 35-142, 35-179.2.3.f.(2), 35-216.3.11, 35-219.3.8, 35-219.13.B, 35-291, AND 35-321.2.3.f.(2), OF THE GOLETA MUNICIPAL CODE PERTAINING TO THE PROCESSING OF AND DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS AND ADOPTING NEW DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS.

WHEREAS Senate Bill 229 and Assembly Bill 494 were signed into State Law by the Governor in October 2017 and became effective on January 1, 2018, requires local jurisdictions to amend their zoning ordinances to conform to California Government Code, Section 65852.2; and

WHEREAS adopting an ordinance consistent with California Government Code Section 65852.2 ensures that the character of the City of Goleta (City) is preserved to the maximum extent possible and that the City's regulation regarding accessory dwelling units continues to promote the health, safety, and general welfare of the community; and

WHEREAS the City has designated areas where accessory dwelling units may be located, when permitted by California Government Code Section 65852.2, based in part upon adequacy of water and sewer services, the impact of accessory dwelling units on traffic flow and public safety, and compatibility with the surrounding neighborhood and community; and

WHEREAS approval of this ADU Ordinance is exempt from the California Environmental Quality Act (Act) pursuant to CEQA Guidelines Section 15282(h), which states that the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement the provisions of Section 65852.2 of the Government Code, is statutorily exempt from the guidelines for implementation of CEQA; and

WHEREAS a public hearing was held on June 5, 2018, in the City Council Chambers located at 130 Cremona Drive, Goleta, California, where evidence, both written and oral, was presented to the Planning Commission, who adopted Resolution No. 18-__ by a majority vote, recommending approval of Zoning Code Amendment (Case No. 18-036-ORD) to the City Council.

SECTION 1 Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2 Administrative Findings

The City Council finds and declares the following:

- I. This Ordinance is intended to implement California Government Code, Section 65852.2 (State Law);
- II. The City's ability to exercise its power in accordance with Article XI, Section 7 of the California Constitution to regulate land use is well-established. This Ordinance is intended to regulate the lawful development of Accessory Dwelling Units within the City;
- III. A review of the Goleta Municipal Code, as defined by this Ordinance, demonstrates that amendments are needed to bring the City's land use regulations into conformance with applicable California State Law;
- IV. Adopting this Ordinance is in the public interest since it is designed to protect public health and safety, while also promoting general welfare; and
- V. The City Council intends that this Ordinance will be incorporated and codified into the Municipal Code at a later date. Specifically, the City Council notes that it is currently undergoing a process to update all regulations of the Municipal Code related to land use. The regulations and definitions adopted by this Ordinance require immediate approval in order to comply with State Law.

SECTION 3 Required Findings for an Ordinance Amendment

Pursuant to Goleta Municipal Code Section 35-180.6 and Section 35-325.5, the City Council makes the following findings:

- I. This Ordinance is in the interest of the general community welfare since it implements State Law, specifically California Government Code, Section 65852.2, which is intended to protect and promote the general welfare of homeowners and surrounding communities;
- II. This Ordinance is consistent with the Goleta General Plan/Coastal Land Use Plan and, specifically, Implementation Program 2.7 of the 2015-2023 Housing Element. Additionally, the Ordinance complies in all respect with the State Law and all local laws, including, but not limited to, the Government Code, Health and Safety Code, Public Resources Code, and the Goleta Municipal Code; and
- III. The Ordinance is consistent with good zoning and planning practices since it implements the 2015-2023 Housing Element, State Law, and other applicable law in a manner designed to encourage construction of affordable housing; accommodate persons with disabilities, and update the Municipal Code regarding public health, safety, and general welfare.

SECTION 4 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA ORDAINS THE FOLLOWING REPEALS AND AMENDMENTS TO THE EXISTING CITY MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS:

I. Repeal of Municipal Code Sec. 35-68.3.9

II. Amendment of Municipal Code Sec. 35-68.12

Section 35-68.12 of the Goleta Municipal Code is hereby repealed, amended, and restated to read as follows:

Sec. 35-68.12. Maximum Gross Floor Area (Floor Area Ratio or FAR)
“None”.

III. Repeal of Municipal Code Sec. 35-70.3.9

IV. Repeal of Municipal Code Sec. 35-70.5.2

V. Amendment of Municipal Code Sec. 35-70.10

Section 35-70.10 of the Goleta Municipal Code is hereby repealed, amended, and restated to read as follows:

Sec. 35-70.10. Maximum Gross Floor Area (Floor Area Ratio or FAR)
“None”.

VI. Repeal of Municipal Code Sec. 35-71.3.8

VII. Repeal of Municipal Code Sec. 35-71.13

VIII. Repeal of Municipal Code Sec. 35-73.3.9

IX. Repeal of Municipal Code Sec. 35-73.4.2(c)

X. Amendment of Municipal Code Sec. 35-73.10

Section 35-73.10 of the Goleta Municipal Code is hereby repealed, amended, and restated to read as follows:

Sec. 35-73.10. Maximum Gross Floor Area (Floor Area Ratio or FAR)
“None”.

XI. Repeal of Municipal Code Sec. 35-120.14

XII. Repeal of Municipal Code Sec. 35-142

XIII. Repeal of Municipal Code Sec. 35-179.2.3.f.(2)

- XIV. **Repeal of Municipal Code Sec. 35-216.3.11**
- XV. **Repeal of Municipal Code Sec. 35-219.3.8**
- XVI. **Repeal of Municipal Code Sec. 35-219.13.B**
- XVII. **Repeal of Municipal Code Sec. 35-291**
- XVIII. **Repeal of Municipal Code Sec. 35-321.2.3.f.(2)**

SECTION 5 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA ORDAINS THE FOLLOWING AMENDMENT TO THE EXISTING CITY MUNICIPAL CODE, WHEREAS AN ACCESSORY DWELLING UNIT (ADU) MUST BE PROCESSED, LOCATED, DEVELOPED, AND OPERATED IN COMPLIANCE WITH THE FOLLOWING STANDARDS:

- I. **Purpose and Intent.** This section establishes the procedures and development standards for the ministerial processing of applications for new attached and detached ADUs in compliance with California Government Code, Section 65852.2 [ADUs]. The intent of this Government Code section is to encourage a more efficient use of residentially zoned land use districts, which are seeing a decrease in household size, changes in social patterns, increasing housing costs, and decreased affordable housing stock. ADUs are recognized as providing a valuable alternative housing opportunity for the elderly, low-income, student, and other economic groups.
- II. **Location.** An ADU may be located within the inland area or coastal zone of the City on any lot zoned for residential use. The lot shall be developed with an existing single-family dwelling or may be a vacant lot where construction of both a new single-family dwelling and ADU are proposed. If the subject lot is vacant, the new principal dwelling must receive its entitlement prior to the separate permit application submittal for the ADU.
- III. **Permit Required.** Ministerial review of a Land Use Permit is required for construction of an ADU as well as the legalization of any existing unpermitted ADU. As required under current State Law, permit processing for the ADU will be completed by the City within 120 days of acceptance of a complete application.
 - a. **Inland Area.** Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director of Planning and Environmental Review (PER) is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.
 - b. **Coastal Zone.** Within the Coastal Zone of the City, ministerial review, approval, and issuance of a local Coastal Development Permit by the Director is required. After local approval is granted, the applicant must obtain either an Exemption, a Waiver, or a State-approved Coastal

Development Permit from the California Coastal Commission prior to issuance of the local Coastal Development Permit.

IV. **Application Requirements.** Only the property owner who resides on the subject lot may submit an application for an ADU. All of the following information must be provided to the City as part of a complete application submittal. An application that is missing any required information will not be accepted.

- a. **Plan Sheets.** At a minimum, a site plan, floor plan, and elevations drawn to scale of the existing or proposed principal dwelling and the proposed ADU. The site plan or separate sheet must depict any required and/or proposed parking, grading, drainage, exterior lighting, and landscaping. If the ADU is located completely within an existing permitted structure and no exterior changes would occur as part of the project (e.g., no new door(s) or window(s)), then elevation plan sheets are not required.
- b. **Adequate Services.** The proposed method of water supply and sewage disposal for the ADU must be provided. Letters of service availability must be provided by the appropriate water and sewer service provider(s) for the lot. The property owner must also demonstrate existing or future legal access as well as service availability from any associated electric and gas provider for the lot.
- c. **Owner-Occupancy.** The property owner of the subject lot must reside on the property as their primary place of residence at the time of application submittal. Additionally, the owner must reside in either the principal dwelling or the ADU for a minimum of five (5) years after approval and construction of the ADU, except when an exception is made to the Director as provided below. The decision of the Director is final and not subject to appeal. Exceptions may be granted for one of the following circumstances:
 - i. Disability or infirmity requires institutionalization of the property owner, or
 - ii. Death of the property owner and hardship to heirs or trustees inheriting or managing the property, or
 - iii. The Director approves the property owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.

A Homeowners' Property Tax Exemption from the Santa Barbara County Assessor is required as proof of primary residency. In the following instances, proof of owner-occupancy on the subject lot is demonstrated as follows:

- iv. If the lot contains an existing single-family dwelling, documentation (e.g., utility bills) verifying that the dwelling is owner-occupied must be provided as part of the application.

- v. If the subject lot is vacant, the applicant must provide documentation verifying that the property will be their primary place of residence prior to final building inspection clearance.
- V. **Design Review.** Administrative design review approval is required for all ADUs. If the home owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board (DRB), the applicant will not need to pay any fees associated with such one-time voluntary presentation of the ADU design to the DRB. However, this review must be completed prior to Land Use Permit or Coastal Development Permit application submittal. Administrative design review will be formally conducted by the Planning Director, or designee. The following standards apply for the administrative design review of ADU applications.
 - a. The ADU is to be subordinate to the principal dwelling on the subject lot in terms of size, location, and appearance. Comparative photos and plans must be provided as part of a complete ADU application.
 - b. The exterior appearance, design style and character of an attached ADU must reflect the exterior appearance and architectural style of the principal dwelling and use similar exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features).
 - c. The exterior appearance and character of a new detached ADU must comply with the following design standards:
 - i. Any modular or manufactured (HUD-Certified) home proposed to be used as a detached ADU may be different in architectural style from that of the principal dwelling on the lot.
 - ii. New ground-up construction of a detached ADU must reflect the exterior appearance and architectural style of the principal dwelling and must use similar exterior materials, colors, and design.
 - d. Roof pitch and roof materials for a newly constructed ADU may be different from that of the principal dwelling on the lot only if accommodating installation of solar panels at the same time as construction of the ADU.
 - i. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
 - ii. A roof with a 4:12 pitch or more for solar panels may increase the maximum height allowance of the ADU by 3 feet, as specified in the Development Standards subsection below.
 - e. If a new ADU is constructed within a side or rear setback, landscaping of sufficient size, height, and breadth must be provided in order to protect the privacy of adjoining residences.

- i. Landscaping must be installed and maintained to provide immediate screening of views from windows within the ADU into the windows of adjacent residential buildings or into outdoor living areas, such as decks, patios, terraces, and swimming pools.
 - ii. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application.
 - iii. The 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.
- f. Adequate landscaping is required to enhance the appearance of the ADU and provide appropriate screening to blend the unit into the existing development on the lot. New landscaping must use water-efficient species only. (A listing of pre-approved, drought-tolerant and native plant/tree species is provided by the City).

VI. **Development Standards.** The following standards apply to all ADUs, including all existing unpermitted units that are applying for a permit to legalize the structure and use. Any request for a Modification to any of these development standards will require submittal of a separate permit application for discretionary review by the Zoning Administrator and the Design Review Board. The associated Land Use Permit application will be accepted at the same time as the Modification application and both will be concurrently processed. Approval of the requested Modification is required prior to approval of the ADU. The final decision on both permit applications will occur within 120 days of acceptance of complete applications.

a. Standards applicable to all ADUs.

- i. Only one ADU may be permitted on any single legal lot of record.
- ii. The minimum floor area of an ADU is 200 square feet for a standard unit. An “efficiency unit” ADU may be a minimum of 150 square feet, but less than 200 square feet.
- iii. The floor area of an ADU may not exceed 10% of the total net lot area of the subject lot.
- iv. A standard ADU may not exceed a maximum floor area of 800 square feet, or 50 percent of the existing floor area of the principal dwelling, whichever is less.
- v. The total floor area of all covered structures, including an attached or detached ADU, must not exceed the maximum lot coverage of the underlying zone district.

- vi. An ADU may have no more than two bedrooms.
- vii. An ADU must contain its own full kitchen, except for an efficiency unit ADU, which may have a partial kitchen.
- viii. An ADU must have its own full bathroom facility.
- ix. All required setbacks for the base zone district will be applicable to the location of newly constructed ADUs, except for an ADU located entirely within an existing and legally permitted structure that is currently nonconforming as to setbacks.
- x. An ADU may not be permitted on a lot where there is a guesthouse, artist studio, or other dwelling or structure used for habitation other than the principal dwelling. A legally permitted guesthouse, artist studio, or other dwelling may be removed or converted into an ADU.
- xi. Any loss in existing required off-street parking for a single-family dwelling due to conversion of a garage to an ADU must be replaced on the subject lot. Replacement residential parking spaces may be located within any setback, as tandem parking, or any other configuration authorized by State Law, but must be located outside of any public right-of-way, including roadways and sidewalks.
- xii. On-site parking for an ADU is not required. If on-site parking is voluntarily provided for an ADU, it may be located within the setbacks and/or in a tandem configuration, but must be located outside of any public right-of-way, including roadways and sidewalks.
- xiii. An ADU must have its own unique address assigned and issued by the Santa Barbara County Fire Department.
- xiv. An ADU may not be sold separately from the principal dwelling.
- xv. An ADU may be used as an affordable rental unit provided that:
 - 1. The anticipated rental rate for the ADU is provided to the City.
 - 2. Any increase in actual rental cost for an approved ADU must be reported to the City Planning staff for reporting to the California Department of Housing and Community Development. Any subsequent sale of a property with an approved ADU must be reported to the City Planning Department so rental rates can continue to be tracked and reported accurately.
 - 3. Rental of an ADU must be for longer than 30 consecutive days. Any ADU found in violation of this standard will be in

violation of this Ordinance and subject to Goleta Municipal Code, Section 3.06 [Short-term vacation rental] and all applicable enforcement, penalties, and fines.

b. Supplemental Standards for Attached ADUs.

- i. The vertical height of an attached ADU located above a garage or above a portion of the principal dwelling may not exceed the height of the principal dwelling nor the maximum allowable height of the base zone district, as measured from existing grade.
- ii. An attached ADU that is not situated atop another structure may only contain one story and may not exceed 12 vertical feet in height if located within a setback, or 16 feet if located completely outside of all setbacks. An interior loft area is not considered a second story.
- iii. An attached ADU must provide a separate entrance to the unit. However, if an ADU is located on a second story, any external stairway for the ADU may not extend into a front, side, or rear setback.

c. Supplemental Standards for Detached ADUs.

- i. The minimum building separation between the principal dwelling and a detached ADU must be at least 5 feet for new construction. If the detached ADU is located in an existing structure that is less than 5 feet from the principal dwelling, a fire wall shall be installed pursuant to current Building Code requirements.
- ii. A detached ADU located atop a legally permitted existing detached garage must be setback 5 feet from the side and rear property line and may not exceed the height of the principal dwelling.
- iii. A detached ADU not located atop an existing detached garage may only contain one story and may not exceed 12 vertical feet in height if located within a setback, or 16 feet if located completely outside of all setbacks. An interior loft area is not considered a second story.

VII. **Site Visit.** Planning staff will conduct a site visit to the subject lot prior to approval of the project. If requested, the property owner or authorized agent must allow City staff to access the lot and any existing structure on the subject lot for land use inspection.

VIII. **Permit Fees.** Prior to approval of first grading and/or building permit(s), the owner/applicant must pay all applicable permit fees in full as required by City ordinances and resolutions.

IX. **Appeals.** An action of the review authority to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party

appeals the decision within 10 calendar days of the decision. An appeal shall identify how the decision is inconsistent with applicable development standards. The grounds for an appeal of an approved, conditionally approved, or denied Land Use Permit is limited to whether the project is consistent with one or more applicable development standards. The City will not accept the appeal of the decision on the requested ADU if the applicant or opposing party fails to identify specific development standard inconsistency. The review authority for an accepted appeal will be the Zoning Administrator.

- X. **Revocation.** Revocation of a permit for an ADU will be in compliance with the applicable Inland and Coastal Zoning Ordinance (Article III, §35-330 and Article II, §35-185, respectively).

- XI. **Covenant.** A covenant in a form approved by the City Attorney shall be recorded with the County Recorder's Office detailing the owner occupancy restriction as well as the restriction on the size and attributes of the ADU as set forth in this section. The covenant also shall include a prohibition on the sale of the accessory dwelling unit separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers. Proof of recordation of the covenant shall be provided to the City prior to final building inspection clearance.

XII. **Definitions.**

- a. **Accessory Dwelling Unit (ADU)** – An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a one-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located. An accessory dwelling unit may also be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- i. **Attached accessory dwelling unit.** An accessory dwelling unit that is either attached to (e.g., shares a common wall) or located within the living area of the existing or proposed principal dwelling, or is located within the garage of an existing principal dwelling.
- ii. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the existing or proposed principal dwelling and is located on the same lot as the existing or proposed principal dwelling.

- b. **Artist Studio** – A structure or portion of a structure legally permitted to be used as a place of work by a professional artist (e.g., painter, writer, sculptor, etc.) for the commercial production of art.
- c. **Authorized Agent** – A person or firm approved by a property owner for a project to directly act on their behalf with the City.
- d. **Bathroom (Full)** – A room within a dwelling that contain at least a toilet, sink, and bathing facilities.
- e. **Bedroom** – An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by the City to be used as a bedroom.
- f. **Coastal Zone** – The land and water area within the City extending seaward to the State's outer limit of jurisdiction, including all offshore islands, and extending inland 1,000 yards or to the first public road right-of-way, whichever is further.
- g. **Director** - The Director of Planning and Environmental Review of the City of Goleta, or designee tasked as the review-authority and decision-maker for ministerial zoning permits.
- h. **Efficiency Unit** – A type of ADU for occupancy by no more than two persons, which has a minimum floor area of 150 square feet and no more than 200 square feet, and as further defined in Section 17958.1 of the Health and Safety Code.
- i. **Floor Area** – The area included within the surrounding exterior walls of all floors or levels of a structure or portion thereof as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two attached structures.
- j. **Garage** – A building or portion thereof, containing accessible and usable enclosed space designed, constructed, and maintained for parking or storing one or more motor vehicles.
- k. **Guesthouse** – A detached living quarters of a permanent type of construction without a kitchen or cooking facilities, legally permitted to be used primarily for temporary guests of the occupants of the principal dwelling on the lot, and not rented or otherwise used as a separate dwelling.
- l. **Inland Area** – All areas within the City that are located outside of the Coastal Zone.

- m. **Kitchen (Full)** – A room or space within a dwelling with cooking facilities, such as an oven and/or stove, a refrigerator/freezer, sink, cupboards, and countertop space used for the preparation and cooking of food. The phrase “cooking facilities” does not include the following: microwave, micro-fridge, hot plate, or wetbar.
- n. **Loft** – A raised or elevated area of a structure that can be used for sleeping quarters or storage and typically accessible only by a ladder and is not included in the overall floor area.
- o. **Lot Area (Net)** – The total lot area minus any public rights-of-way, public easements, environmentally sensitive areas (ESHA), and areas with archaeological or cultural resources.
- p. **Manufactured Home (HUD-Certified)** – Pursuant to Section 18007 of the Health and Safety Code, a structure, transportable in one or more sections, which in the traveling mode is 8 feet or more in width, or 40 feet or more in length, or which when erected onsite is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.
- q. **Modular Home** - A sectional prefabricated dwelling that is constructed to the same or higher building standard of a standard home, but are built off-site and then delivered to the intended site of use for final assembly and placement on a permanent foundation.
- r. **Planning and Environmental Review (PER)** – Department of Planning and Environmental Review of the City of Goleta, which includes the following three divisions: Current Planning, Advance Planning, and Building and Safety. Also known as City Planning or Planning staff.
- s. **Principal Dwelling** – A detached single-family residence, which is the primary residential use of the lot.
- t. **Property Owner** – The lawful titleholder of a legal lot of record.
- u. **Setback** – The required distance between a property line and a building or structure. This area is intended to provide emergency access and adequate ventilation between structures on adjacent properties and should be kept clear and unobstructed from the ground to the sky.
- v. **Tandem Parking** – The arrangement of two or more automobiles that are parked on a driveway or in any other location on a lot and are lined up behind one another.

- w. **Zoning Administrator** – The Zoning Administrator of the City of Goleta, tasked as the review-authority and decision-maker for minor discretionary permits and whose duties are carried out by a designee of the City Manager.

SECTION 6 Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based, are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 7 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 8 Severability

If any section, subsection, subdivision, sentence, clause, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9 Director Review

Within six months of the effective date of this Ordinance, the Director shall report back to the City Council regarding the implementation of this Ordinance.

SECTION 10 Effective Date

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

INTRODUCED ON the ____ day of _____, 2018.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

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

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 18-__ 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:

ABSTAIN:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 2

CEQA Notice of Exemption

NOTICE OF EXEMPTION

TO: City of Goleta Clerk of the City Council

FROM: J. Ritterbeck, Senior Planner

The project or activity identified below is determined to be exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: N/A

Case Nos.: 18-036-ORD

Location: Citywide

Project Title: Accessory Dwelling Unit (ADU) Ordinance

Project Applicant: City of Goleta

Project Description: The project is for the adoption of a new zoning ordinance to establish the procedures and development standards for the ministerial processing of applications for new attached and detached ADUs in compliance with California Government Code Section 65852.2.

Name of Public Agency Approving Project: City of Goleta

Name of Person or Agency Carrying Out Project: Advance Planning Division of Planning and Environmental Review

Exempt Status: (Check one)

- ☐ Ministerial
- ☒ Statutory Exemption (§15282)
- ☐ Categorical Exemption
- ☐ Emergency Project
- ☐ Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: Section 15282 [Other Statutory Exemptions]

Reasons to support exemption findings: The proposed project is statutorily exempt from environmental review pursuant to Section 15282 [Other Statutory Exemptions] of the Guidelines for Implementation of the California Environmental Quality Act. Specifically, Section 15282(h), which states that the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement the provisions of Section 65852.2 of the Government Code is statutorily exempt from CEQA.

Lead Agency Contact Person: J. Ritterbeck, Senior Planner **Phone No.:** (805) 961-7548

Department/Division Representative: _____ **Date:** _____

Project Approval Date: _____

Distribution by: City Clerk

Date Filed by City Clerk: _____

Attachment 3

Draft ADU Application



ACCESSORY DWELLING UNIT – LAND USE APPLICATION

Department of Planning and Environmental Review

130 Cremona Drive, Suite B

Goleta, CA 93117

www.cityofgoleta.org

Property Information:

APPLICATION FEE: \$600.00

Address: _____

Assessor's Parcel No.: _____ Base Zone District: _____

Total Area of Lot: _____ acres / _____ sq. ft. Net Lot Area: _____ acres / _____ sq. ft.

Total Floor Area of Existing/Entitled Single-family Dwelling: _____ sq. ft.

Total Floor Area of Proposed Accessory Dwelling Unit: _____ sq. ft.

Estimated Work Value: \$ _____ Anticipated Monthly Rent: \$ _____

An Accessory Dwelling Unit (ADU) is an attached or detached dwelling unit that is independent from an existing single-family dwelling on the same lot. An ADU includes living, sleeping, eating, cooking, and bathroom accommodations. The ability to create an ADU is established under State law (Govt. Code §65852.2). This ADU Land Use process is a ministerial screening by the Department of Planning and Environmental Review to ensure compliance with the City of Goleta's ADU Ordinance prior to filing a building permit application.

An ADU application will not be accepted unless all required documents are provided at the time of submittal:

1. This ADU Land Use Application, Signed Certificate of Accuracy and Completeness
2. Copy of utility service bills (i.e., water, sewer, gas, electric, trash)
3. Complete set of requisite Plan Sheets prepared by a licensed professional (architect/engineer)
4. Completed check list with all required material samples, colors, and photos
5. Affidavit Form acknowledging and accepting restrictions (signed and notarized)

1. Financially Responsible Person: _____ Phone: (____) _____

Mailing Address: _____
Street City State Zip

2. Owner: _____ Phone: (____) _____

Mailing Address: _____
Street City State Zip

E-mail: _____

3. Agent: _____ Phone: (____) _____

Mailing Address: _____
Street City State Zip

E-mail: _____

4. Arch./Designer: _____ Phone: (____) _____

Mailing Address: _____
Street City State Zip

E-mail: _____

State License No.: _____



Eligibility Worksheet – Below are development standards for an ADU. Please indicate whether the proposed project meets these standards by filling in the blanks and circling “YES” or “NO” for each section. If you answer yes to all of the questions, your application is eligible for ministerial ADU review by staff. If you answered no to any of the questions, your application does not qualify for ADU Clearance and may require additional permits.

Does your ADU meet the following development standards?	Compliance (Circle One)	Staff Review (City Use)
1. Applicant. The applicant for an ADU must be the current owner-occupant of the property. Are you the property owner and do/will you reside on the property?	Yes No	
2. Owner-Occupancy. Prior to issuance of a permit for a new ADU, the property owner must provide the City with a signed and notarized agreement to reside onsite for a minimum of 5 years after receiving occupancy clearance. Will you, as the property owner, agree to this condition?	Yes No	
3. Zoning. ADUs are allowed on properties zoned for single-family and multifamily residential use. Is the property zoned for single-family or multifamily use?	Yes No	
4. Maximum number. A single new ADU may be allowed on properties currently containing one single-family dwelling. Is the property currently developed or entitled to be developed with only one single-family, or will a new single-family dwelling be concurrently processed with the ADU?	Yes No	
5. Size Limitation – Part I. The total floor area of the ADU may not exceed 10% of the total net lot area of the subject property. Is the proposed ADU less than 10% of the net lot area?	Yes No	
6. Size Limitation – Part II. ADUs may not be larger than 50% of the principal dwelling, up to a maximum size of 800 sq. ft. in total floor area. Is the proposed ADU compliant with this size limitation?	Yes No	
7. Size Limitation – Part III. An ADU may not have more than two bedrooms and must contain its own full kitchen and full bathroom, or be an “efficiency unit” ADU. Is the proposed ADU compliant with this requirement?	Yes No	
8. Unit Separation. An ADU is required to have a separate exterior entrance and no direct internal connection to the primary unit. Does the ADU meet the entrance and internal separation requirements?	Yes No	

Does your ADU meet the following development standards?	Compliance (Circle One)	Staff Review (City Use)
<p>9. ADU Design – Part I. An attached ADU must incorporate the same materials, colors, and style of the principal dwelling including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. Does the ADU design match the principal dwelling as stated above?</p>	<p>Yes No</p> <p>See #10</p>	
<p>10. ADU Design – Part II. If the ADU does not fall within the criteria of #9 above, the ADU shall exhibit residential character and complement the principal dwelling in terms of proportion or basic architectural features. Differences in roof pitch and style may only be permitted if to accommodate the installation of solar panels concurrent with the construction of the ADU. Does the ADU design conform to the above criteria?</p>	<p>Yes No</p> <p>N/A</p>	
<p>11. Maximum Lot Coverage. An ADU may not increase total lot coverage, including all non-permeable surfaces such as building footprints, paved courts, patios and driveways, of the property to over 60% of the lot area. a. Total area of non-permeable surfaces on the lot: _____ sq. ft. b. Total net lot are of the subject property: _____ sq. ft. a. ÷ b. = _____ or _____ % of the lot area. Does the proposed ADU meet the maximum lot coverage standard?</p>	<p>Yes No</p>	
<p>12. Other Habitable Structures. An ADU may not be permitted on a lot where there is a guesthouse, artist studio, or other habitable structure that is not the principal dwelling unless said structure is to be removed or converted to the ADU (or another legal use). Does the ADU meet this accessory building requirement?</p>	<p>Yes No</p>	
<p>13. Additional Parking. No additional on-site parking is required for a new ADU. However, any additional parking voluntarily provided for the ADU must be located outside of any public access right-of-way, including roadways and sidewalks. Does any additional parking meet this parking standard?</p>	<p>Yes No</p>	
<p>14. Existing Parking. The ADU shall not result in the elimination of existing required parking for the principal dwelling unless replace elsewhere on the subject lot. Replacement parking may be located within a setback or as tandem parking, or any other configuration authorized by the State, but must be located outside of any public right-of-way, including roadways and sidewalks. Are required parking spaces for the principal dwelling retained?</p>	<p>Yes No</p>	
<p>15. Height – Part I. An ADU constructed atop another legally permitted structure may not exceed the height of the principal dwelling, nor the maximum height allowable height of the base zone district. Does the proposed ADU meet this height standard?</p>	<p>Yes No</p>	

Does your ADU meet the following development standards?	Compliance (Circle One)	Staff Review (City Use)
16. Height – Part II. An ADU not constructed atop another structure may only contain one story and may not exceed 12 feet if located within a setback, or 16 feet if located completely outside of all setbacks. Does the proposed ADU meet this height standard?	Yes No	
17. Landscaping – Part I. An ADU located within a side or rear setback must install mature landscaping where needed to protect the privacy of adjoining properties. Does the proposed ADU meet this landscaping standard?	Yes No N/A	
18. Landscaping – Part II. Adequate landscaping is required to enhance the appearance of an ADU and blend the unit into the existing development on the subject lot by using an appropriate drought-tolerant species. Does the proposed ADU meet this landscaping standard?	Yes No N/A	
19. RHNA Requirement. An ADU is intended to be as housing for lower-income groups and counted by the City as a housing unit that help meet our Regional Housing Needs Allocation (RHNA) by the State. To enable this, substantial evidence is needed to demonstrate that the rental rate of the ADU meets State affordable housing classifications. Do you agree to provide the City with the expected rental rate for the ADU as well as inform the City in the future of any rent increase(s)?	Yes No	
20. Conditions of Approval. The applicant acknowledges that all applicable conditions of approval will be met prior to issuance of final building inspection clearance for the ADU.	Yes No	
21. Summary. This project meets all requirements listed above. (If not, an application may either not be accepted, or processing of a separate application for a Modification may be required.)	Yes No	

FOR OFFICE USE ONLY

ADU Case No.: _____ Received By: _____

Associated Case No.: N/A or # _____

Date Received: _____ 120 day Processing Deadline: _____

Fee Paid: _____ (Cash) (Credit) (Check) Check No.: _____ Receipt No.: _____
circle one





PLAN SHEETS: Required plans sheets must include all of the following:

- ☐ Two (2) sets of complete plans.
- ☐ One (1) electronic version in a single .PDF file; (CD or USB drive).
- ☐ Plan sheets must be no less than 11" x 17" and no greater than 24" x 36" unless prior approval is given.
- ☐ Include a North arrow, date prepared, and a bar scale at an acceptable scale: 1/4" = 1' and 1/8" = 1' (Other scales may be acceptable but should be discussed with Planning staff before filing).
- ☐ Name and phone number of the person preparing the plan.
- ☐ Approval stamp/signature and date from the home owners association (HOA) [if applicable].
- ☐ Lot Summary Table (including all relevant and applicable lot descriptions, attributes, statistics, etc.).
- * SITE PLAN must depict all of the following:
 - ☐ Property lines, all required setbacks, any floodplain/flood hazards, or buffer from sensitive/protected resources.
 - ☐ Location and dimensions of all existing and proposed buildings.
 - ☐ Location and outlines of all residential structures on adjacent lots around the subject property.
 - ☐ Location and dimensions of existing and proposed driveways, garages, carports, required off-street parking spaces, and vehicle back-up areas.
 - ☐ Location of drainage ways and access easements, or floodplains (Check with Public Works Department for public utility and access easements; Private easements should be in the property legal description or title report).
- * ROOF PLAN (existing and proposed on separate drawings) must include the following:
 - ☐ Depict all existing and proposed roof elements.
 - ☐ Label all roof pitches.
- * ELEVATIONS (existing and proposed on separate drawings) must include the following:
 - ☐ Fully dimensioned and prepared to an appropriate scale and noting the final height of the ADU.
 - ☐ Existing and proposed construction and/or alterations.
 - ☐ Existing and proposed views of each elevation should appear side by side on the plans.
 - ☐ Location of proposed windows, vents, gutters, downspouts, air conditioning equipment, antennas, rooftop mechanical equipment, utility meters, transformers, and utility boxes.
 - ☐ Properly label each direction of building elevation (i.e., North, South, East, West).
 - ☐ Details for fascia trim, windows, doors, trim, sills, railing and fencing.
 - ☐ Location of any new exterior lighting and cut sheets of the type of new lighting fixtures to be installed.

- * FLOOR PLANS (existing and proposed on separate drawings) must include the following:
 - ☐ Fully dimensioned and prepared to an appropriate scale.
 - ☐ All rooms and utility or mechanical areas must be labeled for their intended and permitted use.
 - ☐ Show the location of all existing and proposed doorways, interior walls, or partitions.
 - ☐ Depict and label all proposed countertops, kitchen facilities, and bathroom facilities.
- * WINDOW SCHEDULE must include the following:
 - ☐ Numbered inventory list of existing and proposed windows.
 - ☐ Label window types and dimensions to demonstrate compliance for required egress for bedroom windows.
 - ☐ Show style of windows and materials on building plans or elevations.
 - ☐ Cut sheets/brochures of proposed windows - include a dimensioned cross section of window, including exterior trim detail and compliance with CA Title 24 standards.
- * DEMOLITION PLAN must include the following (as applicable):
 - ☐ Identify all elements of any existing structure(s) proposed to be removed/replaced.
 - ☐ Written description of all elements and materials to be removed and/or removed and reused.
- * PHOTOGRAPHS must accompany the application and must include all of the following (as applicable):
 - ☐ Views of the front, sides, and rear elevations of the existing principal dwelling.
 - ☐ Streetscape views of the project site and adjacent properties.
 - ☐ Views of the adjacent properties from vantage locations (e.g., windows, decks, etc.) of the proposed ADU.
 - ☐ Views of the front, sides, and rear of any existing accessory structure to be converted to an ADU.
- * LANDSCAPE AND IRRIGATION PLAN includes the following:
 - ☐ Location of all existing landscaping and size/diameter, and species of all trees with notation for any landscaping to be removed.
 - ☐ Location, size, and species of all trees, shrubs, or other groundcover to be planted.
 - ☐ Location of non-vegetative landscape improvements (e.g., paving, fences, retaining walls, planters).
 - ☐ Planting species list with colored palette and common names for all species.
 - ☐ New landscaping must be of water-efficient species and should be chosen from the list of "Drought-Tolerant Native Plants for Santa Barbara County" provided with this application.
- * LEGAL REQUIREMENT:
 - ☐ A notarized affidavit attesting that the home-owner will reside on the subject lot in either the principal dwelling or the ADU for a period of at least five (5) years after receiving final occupancy clearance.
 - ☐ The affidavit must also include a provision where the property-owner attests that they do not own or operate another ADU either within the City of Goleta or outside of the City that is subject to an owner-occupant requirement, covenant, agreement, or otherwise.
- * OTHER INFORMATION: The City may request any other information relevant to the City's review and approval of an ADU application, including but not limited to property surveys, title reports, and privacy and shadow studies.



AFFIDAVIT FORM

Affidavit of (OWNER): _____ [Name of Property Owner], State of California,
County of Santa Barbara, City of Goleta.

The undersigned and duly sworn OWNER, do hereby declare that:

1. I am over the age of eighteen and that I am a resident of the State of _____.
2. I know personally the facts that are stated with this document and if I am to be called as a witness will testify to this truth.
3. I suffer from no legal disabilities and have personal knowledge of the facts as presented.

I declare that the information as presented here is true and complete to the best of my belief and knowledge.

1. I am the legal owner or trustor of the real property located at _____, (SUBJECT PROPERTY), within the City of Goleta (CITY), California; and
2. Attest that I will reside on the SUBJECT PROPERTY for a duration of at least five (5) years commencing upon final occupancy clearance of the Accessory Dwelling Unit (ADU); and
3. Attest that I do not own or operate any other ADU either within the CITY or outside of the CITY that is subject to any owner-occupant requirement, covenant, agreement, or otherwise.
4. I understand that the ADU may be rented, but may not be sold separately from the principal dwelling.

Executed this _____ day of _____, 20_____.

NOTARY ACKNOWLEDGEMENT

State of _____, County of _____

Notary Public: _____

Title: _____

Commission Expires: ____/____/____

[NOTARY STAMP]



CERTIFICATE OF ACCURACY AND COMPLETENESS

Must be signed by the land owner before a permit application can be accepted for processing by the City of Goleta Department of Planning and Environmental Review.

Signature authorizes City staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the City of Goleta is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Printed Name of Land Owner: _____

Signature: _____ Date: _____

AUTHORIZATION OF AGENT

I hereby authorize _____ to represent me before the City of Goleta in all matters related to this application.

Printed Name of Land Owner: _____

Signature: _____ Date: _____

I understand and agree that submission of plans for zoning review for the above mentioned property is not a guarantee of receiving an approval of the project and if the project is denied by the Department of Planning and Environmental Review, my permit application fee of \$600.00 is non-refundable.

Applicant's Signature: _____

Date: _____

Attachment 4

Supplemental Drought-Tolerant & Native Plant List



Drought-Tolerant and Native Plants for Goleta and Santa Barbara County's Mediterranean Climate

Drought tolerant plants for the Santa Barbara and Goleta area. In the 1500's California went through an 80 year drought. During the winter there were blizzards in Central California, the Salinas River froze solid where it flowed into the Monterey Bay. During the summer there was no humidity, no rain, and temperatures in the hundreds for many months. During one year in the 1840's there was no measurable rain in Santa Barbara. (The highest measured rainfall in an hour also was in Southern California, 11 inches in an hour) The same native plants that lived through that are still on the hillsides of California. California native plants that do not normally live in the creeks and ponds are very drought tolerant.

The best way to find your plant is to check www.mynativeplants.com and do not water at all. But if you want a simple list of drought tolerant plants that can work for your garden here are some.



Adenostoma fasciculatum, Chamise.

Adenostoma sparsifolium, Red Shanks

Agave deserti, Desert Agave

Agave shawii, Coastal Agave

Agave utahensis, Century Plant



Antirrhinum multiflorum, Multiflowered Snapdragon

Arctostaphylos La Panza, Grey Manzanita

Arctostaphylos densiflora Sentinel Manzanita

Arctostaphylos glandulosa adamsii, Laguna Manzanita.

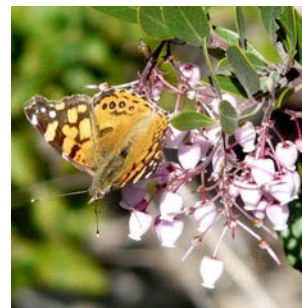
Arctostaphylos crustacea eastwoodiana, Harris Grade manzanita.

Arctostaphylos glandulosa zacaensis, San Marcos Manzanita

Arctostaphylos glauca, Big Berry Manzanita.

Arctostaphylos glauca, Ramona Manzanita

Arctostaphylos glauca-glandulosa, Weird Manzanita.



Arctostaphylos pungens, Mexican Manzanita

Arctostaphylos refugioensis Refugio Manzanita

Aristida purpurea, Purple 3-awn

Artemisia californica, California Sagebrush

Artemisia douglasiana, Mugwort

Artemisia ludoviciana, White Sagebrush

Asclepias fascicularis, Narrowleaf Milkweed



Astragalus trichopodus, Southern California Locoweed

Atriplex lentiformis Breweri, Brewers Salt Bush.

Baccharis pilularis pilularis Pigeon Point

Brickellia californica, Brickellbush.



Ceanothus Concha, California Mountain Lilac

Ceanothus Joyce Coulter, Creeping Mountain Lilac

Ceanothus L.T. Blue, White Bark Mountain Lilac



Ceanothus arboreus, Tree Lilac

Ceanothus cuneatus, Buckbrush



Ceanothus cyaneus, San Diego Mtn. Lilac.

Ceanothus cyaneus x *Sierra Blue* *Ceanothus*

Cercocarpus betuloides, Mountain Mahogany.



Cupressus forbesii, Tecate Cypress

Diplacus longiflorus, Southern Monkey Flower

Diplacus longiflorus, Agoura Spunky Monkey

Diplacus longiflorus Conejo monkey flower

Diplacus puniceus, Red Monkey Flower



Diplacus rutilus, Santa Susana Monkey Flower.



Elymus triticoides, Alkali Rye

Encelia californica, Coast Sunflower

Eriogonum arborescens, Santa Cruz Island Buckwheat

Eriogonum cinereum, Ashy leaf buckwheat

Eriogonum fasciculatum foliolosum, California Buckwheat

Eriogonum giganteum, St. Catherine's Lace

Eriogonum grande rubescens, Red Buckwheat

Eriophyllum confertiflorum, Golden Yarrow

Erysimum capitatum, Western Wallflower

Eschscholzia californica, California Poppy

Fremontodendron Pacific Sunset, Flannel Bush

Gnaphalium californicum, California Pearly Everlasting

Grindelia stricta venulosa, Coastal Groundcover Gum Plant

Haplopappus linearifolius, Narrowleaf Goldenbush

Hazardia squarrosus, Yellow Squirrel Cover

Helianthemum scoparium, Sun Rose

Helianthus gracilentus, Slender Sunflower and Dwarf Sunflower

Heteromeles arbutifolia, Toyon and Christmas Berry

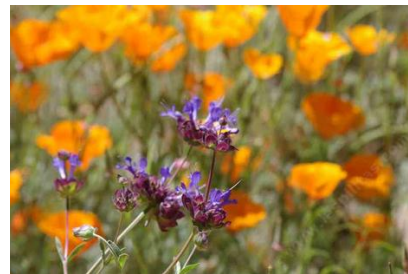
Horkelia cuneata, Wedgeleaf Horkelia

Isomeris arborea, Bladderpod

Iva hayesiana, Hayes iva

Juglans californica, Southern California Walnut

Koeleria macrantha, June Grass



Lavatera assurgentiflora, Malva Rosa

Lonicera subspicata denudata, San Diego Honeysuckle

Lotus scoparius, Deerweed

Lupinus albifrons, Silver Bush Lupine

Lyonothamnus floribundus ssp. *asplenifolius*, Catalina Ironwood

Malacothamnus fasciculatus, Bush mallow

Malosma laurina, Laurel Sumac

Melica imperfecta, California Melic

Mirabilis californica, Wishbone Bush

Muhlenbergia rigens, Deer Grass

Penstemon centranthifolius, Scarlet Bugler

Penstemon heterophyllus, Foothill Penstemon

Penstemon spectabilis, Showy Penstemon

Prunus ilicifolia, Holly-Leafed Cherry

Quercus agrifolia, Coast Live Oak

Quercus berberidifolia, Scrub Oak

Rhamnus californica, Coffeeberry

Rhus integrifolia, Lemonade Berry

Rhus ovata, Sugar Bush

Romneya coulteri, Matilija Poppy

Salvia Bee's Bliss, Creeping Sage

Salvia Celestial Blue, Purple Sage

Salvia Pozo Blue, Grey Musk Sage

Salvia apiana, White Sage



Salvia apiana × *Salvia clevelandii* Vicki Romo

Salvia brandegei, Brandegees Sage

Salvia clevelandii, Alpine Cleveland sage

Salvia clevelandii, Winnifred Gilman Cleveland Sage

Salvia leucophylla, Purple Sage

Salvia leucophylla, Point Sal, Low Purple sage

Salvia mellifera, Black Sage

Sambucus mexicana, Mexican Elderberry

Sisyrinchium bellum, Blue-Eyed Grass

Solanum xanti, Purple Nightshade

Stipa cernua, Nodding needlegrass

Stipa coronata, Giant Stipa

Stipa pulchra, Purple Stipa

Trichostema lanatum, Woolly Blue Curls

Verbena lasiostachys, Western Vervain

Xylococcus bicolor, Mission Manzanita

Yucca whipplei, Quixote Plant

Zauschneria californica, Bert's Bluff

Zauschneria californica, Catalina

Zauschneria californica mexicana, Common California Fuchsia

Zauschneria cana, Narrowleaf California Fuchsia



Tolerates/Prefers Part-shade or Shade

Clematis lasiantha, Pipestem Clematis

Dudleya pulverulenta, Chalk Liveforever

Heuchera maxima, Island Alum Root

Keckiella cordifolia, Heart Leaved Penstemon

Lepechinia calycina, California Pitcher Plant

Lepechinia fragrans, Wallaces Pitcher Plant

Lonicera hispidula, California Honeysuckle

Monardella hypoleuca ssp. *hypoleuca*

Pseudotsuga macrocarpa, Bigcone Spruce

Rhamnus californica, Coffeeberry

Ribes aureum gracillimum, Golden Currant

Ribes speciosum, Fuchsia-Flowering Gooseberry

Salvia spathacea, Hummingbird Sage

Satureja douglasii, Yerba Buena

Scrophularia atrata, Black Figwort

Solanum xanti hoffmannii, Hoffmann's Nightshade

Symphoricarpos mollis, Southern California Snowberry

Thalictrum polycarpum, Meadow Rue

Umbellularia californica, Bay Laurel



Attachment 5

Government Code Section 65852.2

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback

of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and

sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)