



**Agenda Item B.7**  
**CONSENT CALENDAR**  
**Meeting Date: June 19, 2018**

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**TO:** Mayor and Councilmembers

**FROM:** Peter Imhof, Planning & Environmental Review Department Director

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

**SUBJECT:** Draft Accessory Dwelling Unit Ordinance: Case No. 18-036-ORD

**RECOMMENDATION:**

- A. Conduct the second 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";
- B. Determine that the adoption of the new ADU Ordinance, Case No. 18-036-ORD, is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines §15282(h), included as Attachment 2; and
- C. Adopt the ADU Ordinance No. 18-\_\_\_, included in its entirety as 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 instructed staff to develop an ADU Ordinance that allows and regulates ADUs, consistent with State requirements.

On May 15, 2018, staff presented the Planning Commission with a draft ordinance that meets the requirements imposed by State and summarizes the feedback from several workshops, meetings, and public hearings. At the June 5, 2018 hearing, Council conducted its first reading of the new ADU Ordinance. State law requires ordinances to come before the Council a second time prior to their adoption.

**DISCUSSION:**

The introduced ordinance is required to have a second reading before its adoption by the City Council. Council has the opportunity to adopt this ordinance, which would then be effective on the thirty-first day after adoption.

If Council does not adopt this ordinance, the City will not have local regulations for the processing of ADU applications and all such applications within Goleta would be governed only by the State's law, Government Code Section 65852.2.

**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 multi-family 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.

**FISCAL IMPACTS:**

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. There are no additional fiscal impacts associated with adoption of this ordinance.

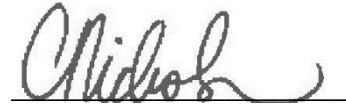
**ALTERNATIVES:**

The City Council may elect not to adopt the Ordinance as proposed, modify the draft Ordinance and introduce the Ordinance as modified, or decide not to adopt it. If Council does not adopt an ordinance regulating ADUs, state regulations will continue to apply to ADUs located in the City.

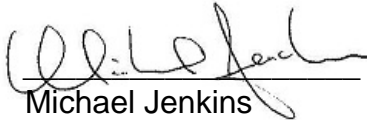
**Reviewed By:**

**Legal Review By:**

**Approved By:**



Carmen Nichols  
Deputy City Manager



Michael Jenkins  
City Attorney



Michelle Greene  
City Manager

**ATTACHMENTS**

1. ADU Ordinance: Ordinance No. 18-\_\_
2. Environmental Document: Notice of Exemption



## **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 April 23, 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 31<sup>st</sup> 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**

Environmental Document – 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 multi-family 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.

**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:** \_\_\_\_\_