



Agenda Item A.3
CONSENT CALENDAR
Meeting Date: February 4, 2020

TO: Mayor and Councilmembers

FROM: Peter T. Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner

SUBJECT: New Accessory Dwelling Unit Ordinance Second Reading

RECOMMENDATION:

Conduct second reading (by title only, waiving further reading) and adopt Ordinance No. 20-__ entitled, "An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Ordinance No. 18-01 Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Exempt from CEQA."

BACKGROUND:

During the 2019 legislative session, the Governor signed into law three new bills related to ADUs: Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13 (2019 ADU Laws). These bills made numerous changes to state law regarding ADUs and Junior ADUs (JADUs). The 2019 ADU Laws took effect January 1, 2020 and caused the City's existing ADU ordinance, Ordinance No. 18-01, to become null and void.

In response to the above-referenced changes in state law, staff proposed a repeal of Ordinance No. 18-01 and replacement with a new ADU ordinance, on an urgency and non-urgency basis, that reflects the myriad of changes in the 2019 ADU Laws. The Planning Commission considered the urgency and non-urgency ordinances during a public hearing on December 9, 2019 and recommended to City Council the adoption of both ordinances with a finding that the adoptions are exempt from CEQA.

DISCUSSION:

On January 21, 2020, the City Council adopted the urgency ADU ordinance, which took effect immediately and remains in effect until March 6, 2020. The City Council also introduced and conducted the first reading of the non-urgency ADU ordinance (Attachment 1). During the hearing on January 21, 2020, Council directed staff to return at a later date for consideration of possible changes to height limits for non-exempt new-construction attached ADUs.

The introduced ADU ordinance is required to have a second reading before its adoption by the City Council. Council has the opportunity to conduct the second reading and adopt the ADU ordinance, which would then become effective on the thirty-first day after adoption, March 6, 2020.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting the ADU Ordinance. Funding for Planning and Environmental Review staff time to prepare the ADU Ordinance was included in the adopted FY 2019-20 Budget under Program 4300 of the Advance Planning Division.

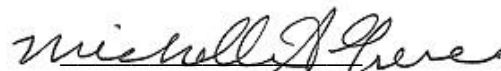
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENT

1. Ordinance No. 20-__ entitled, "An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Ordinance No. 18-01 Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Exempt from CEQA."

Attachment 1

Ordinance No. 20-__ entitled, “An Ordinance of the City Council of the City of Goleta, California Repealing and Replacing Ordinance No. 18-01 Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Exempt from CEQA.”

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA REPEALING AND REPLACING ORDINANCE NO. 18-01 RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

WHEREAS the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs); and

WHEREAS the City Council adopted Ordinance No. 18-01 on June 19, 2018 to regulate ADUs within the City; and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills (New ADU Laws) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS the New ADU Laws take effect January 1, 2020 and, if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS the City desires to repeal and replace Ordinance No. 18-01 to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders Ordinance No. 18-01 null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, design, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety; and

WHEREAS the City Council has reviewed and considered the public testimony and staff report prepared in connection with this Ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City's Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.), the City has determined that the Ordinance is exempt from environmental review;

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

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. Required Findings for an Ordinance Amendment

Pursuant to Zoning Ordinance sections 35-180.6 and 35-325.5, the City Council makes the following findings:

- A. This Ordinance is in the interest of the general community welfare since it implements State Law, specifically California Government Code Sections 65852.2 and 65852.22, which is intended to protect and promote the general welfare of homeowners and surrounding communities; and
- B. This Ordinance is consistent with the Goleta General Plan/Coastal Land Use Plan and, specifically, Housing Element subpolicy HE 2.7, Encourage Accessory (Second) Residential Units, of the 2015-2023 Housing Element. Additionally, the Ordinance complies in all respect with the State Law and all local law, including, but not limited to the Government Code, Health and Safety Code, Public Resources Code, and the Goleta Municipal Code. Because this Ordinance allows ADUs and JADUs in accordance with Government Code sections 65852.2 and 65852.22, this Ordinance is “consistent with the existing general plan and zoning” as a matter of law (Gov. Code § 65852.2(a)(8)); and
- C. 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.

SECTION 3. Environmental Assessment

Under California Public Resources Code section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law, which also regulates JADUs, as defined by section 65852.22, and by CEQA Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily

residential zones. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot.

SECTION 4. Repeals and Amendments

- A. Ordinance No. 18-01 is hereby repealed in its entirety.
- B. The following provisions were repealed or amended by Ordinance No. 18-01, and are hereby again repealed or amended:
 - 1. Repeal of Section 35-68.3.9 of Division 4 of Article II of the Coastal Zoning Ordinance
 - 2. Amend Section 35-68.12 of Division 4 of Article II of the Coastal Zoning Ordinance to read as follows:

Sec. 35-68.12. Maximum Gross Floor Area (Floor Area Ratio or FAR)
"None".
 - 3. Repeal of Section 35-70.3.9 of Division 4 of Article II of the Coastal Zoning Ordinance
 - 4. Repeal of Section 35-70.5.2 of Division 4 of Article II of the Coastal Zoning Ordinance
 - 5. Amend Section 35-70.10 of Division 4 of Article II of the Coastal Zoning Ordinance to read as follows:

Sec. 35-70.10. Maximum Gross Floor Area (Floor Area Ratio or FAR)
"None".
 - 6. Repeal of Section 35-71.3.8 of Division 4 of Article II of the Coastal Zoning Ordinance
 - 7. Repeal of Section 35-71.13 of Division 4 of Article II of the Coastal Zoning Ordinance

8. Repeal of Section 35-73.3.9 of Division 4 of Article II of the Coastal Zoning Ordinance
9. Repeal of Section 35-73.4.2(c) of Division 4 of Article II of the Coastal Zoning Ordinance
10. Amend of Section 35-73.10 of Division 4 of Article II of the Coastal Zoning Ordinance to read as follows:

Sec. 35-73.10. Maximum Gross Floor Area (Floor Area Ratio or FAR)
“None”.
11. Repeal of Section 35-120.14 of Division 7 of Article II of the Coastal Zoning Ordinance
12. Repeal of Section 35-142 of Division 7 of Article II of the Coastal Zoning Ordinance
13. Repeal of Section 35-179.2.3.f.(2) of Division 11 of Article II of the Coastal Zoning Ordinance
14. Repeal of Section 35-216.3.11 of Division 4 of Article III of the Inland Zoning Ordinance
15. Repeal of Section 35-219.3.8 of Division 4 of Article III of the Inland Zoning Ordinance
16. Repeal of Section 35-219.13.B of Division 4 of Article III of the Inland Zoning Ordinance
17. Repeal of Section 35-291 of Division 7 of Article III of the Inland Zoning Ordinance
18. Repeal of Section 35-321.2.3.f.(2) of Division 10 of Article III of the Inland Zoning Ordinance

SECTION 5. ADU and JADU Regulations.

- A. **Purpose.** The purpose of this Ordinance is to allow and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Ordinance will not be:

1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
4. Required to correct a Nonconforming Zoning Condition, as defined in subsection C.7 below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions.** As used in this Ordinance, terms are defined as follows:

1. **Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit that provides Complete Independent Living Facilities for one or more persons and is located on a lot with a proposed or existing principal residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
2. **Accessory Structure.** A structure that is accessory and incidental to a dwelling located on the same lot.
3. **Complete Independent Living Facilities.** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Single-Unit or Multi-Family Dwelling is or will be situated.
4. **Efficiency Kitchen.** A kitchen that includes each of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
5. **Junior Accessory Dwelling Unit (JADU).** means a residential unit that:

- a. Is no more than 500 square feet in size;
 - b. Is contained entirely within an existing or proposed Single-Unit Dwelling structure;
 - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed Single-Unit Dwelling structure; and
 - d. Includes an Efficiency Kitchen.
- 6. ***Multifamily Dwelling.*** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.
- 7. ***Nonconforming Zoning Condition.*** A physical improvement on a property that does not conform with current zoning standards.
- 8. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- 9. ***Single-Unit Dwelling.*** Any structure designed for human habitation that has been legally created for a single independent living quarters.
- D. **Permit Requirements.** The following permit requirements apply to ADUs and JADUs under this Ordinance:
 - 1. ***Exempt.*** If an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is exempt from zoning permits under this Ordinance in the following scenarios:
 - a. ***Converted on Single-Unit Lot:*** Only one ADU or JADU on a lot with a proposed or existing Single-Unit Dwelling on it, where the ADU or JADU:
 - (i) Is either:
 - a. Within the space of a proposed Single-Unit Dwelling;
 - b. Within the existing space of an existing Single-Unit Dwelling; or
 - c. Within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

- (ii) Has exterior access that is independent of that for the Single-Unit Dwelling.
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- b. *Detached on Single-Unit Dwelling Lot:* One detached, new-construction ADU on a lot with a proposed or existing Single-Unit Dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above) if the detached ADU satisfies the following limitations:
 - (i) The side and rear setbacks are at least four feet.
 - (ii) The floor area is 800 square feet or smaller.
 - (iii) The height is 16 feet or less.
- c. *Converted on Multifamily Dwelling Lot:*
 - (i) Multiple ADUs within portions of existing Multifamily Dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.
 - (ii) At least one converted ADU is allowed within an existing Multifamily Dwelling, and up to 25 percent of the existing Multifamily Dwelling units may each have a converted ADU under this subsection.
- d. *Detached on Multifamily Dwelling Lot:* No more than two detached ADUs on a lot that has an existing Multifamily Dwelling if each detached ADU satisfies the following limitations:
 - (i) The side and rear setbacks are at least four feet.
 - (ii) The total floor area is 800 square feet or smaller.

2. ***Non-Exempt.***

- a. *Permit Required.* Except as allowed under subsection (D)(1), no ADU may be constructed or legalized without a building permit and zoning permit in compliance with the standards set forth in subsections (E) and (F) below.

- (i) Inland Area. Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of an ADU as well as the legalization of any existing unpermitted ADU.
 - (ii) Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU.
- b. *Required Findings.* The required findings for a Land Use Permit under this Ordinance are limited to the following findings:
 - (i) Based upon City consultation with the Goleta Water District and Goleta or Goleta West Sanitary District, there are adequate water and sewer services to support the ADU.
 - (ii) The proposed ADU conforms to the applicable regulations of this Ordinance.
- c. *Processing Time.* The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new Single-Unit Dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new Single-Unit Dwelling, but the application to create the JADU will still be processed without discretionary review or a hearing.
- d. *Appeals.* An action of the Director to approve, conditionally approve, or deny an application for an ADU is final unless the applicant or opposing party appeals the decision within ten calendar days of the decision. For an Appeal to be accepted by the Director, it must identify how the decision is inconsistent with applicable development standards of

subsection (E) and (F) below. The grounds for an Appeal of an approved, conditionally approved, or denied Land Use Permit is limited to whether the decision on the project is inconsistent with one or more of the applicable Development Standards. The City will not accept an Appeal of the decision on the requested ADU if the applicant or opposing party fails to identify the specific Development Standard inconsistency. The Review Authority for an accepted Appeal shall be the Zoning Administrator.

E. **Development Standards for ADUs and JADUs.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
2. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.
3. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a Single-Unit Dwelling lot) or from the lot and all of the dwellings (in the case of a Multifamily Dwelling lot).
4. **Septic System.** ADUs or JADUs shall not use an on-site water-treatment system.
5. **Owner-Occupancy.**
 - a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted.
 - b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the principal dwelling or JADU, as the person's legal domicile and permanent

residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. **Minimum Size.** The minimum floor area of an ADU is 200 square feet for a standard unit. An “efficiency unit” ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.
7. **Unique Address.** Each ADU and JADU must have a unique address assigned and issued by the Santa Barbara County Fire Department.
8. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder’s office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - a. The ADU or JADU may not be sold separately from the principal dwelling.
 - b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Ordinance.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of City zoning regulations. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of the City’s zoning regulations.
 - e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized

to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Supplemental Development Standards for ADUs.** The following requirements apply only to ADUs that require a zoning permit under subsection (D)(2) above:

1. **Maximum Size.**

a. The maximum size of an ADU subject to this subsection (F) is as follows:

- (i) 850 square feet for a studio or one-bedroom ADU.
- (ii) 1,000 square feet for an ADU with two bedrooms.
- (iii) No more than two bedrooms are allowed.

b. An attached ADU that is created on a lot with an existing or proposed principal dwelling is further limited to 50 percent of the floor area of the existing or proposed principal dwelling.

c. Application of other development standards in this subsection (F), such as lot coverage and setbacks, might further limit the size of the ADU, but no application of other development standards may require the ADU to be less than 800 square feet.

2. **Lot Coverage.** No ADU subject to this subsection (F) may exceed ten percent of the total net lot area of the subject lot.

3. **Height.**

a. *Attached ADUs.*

- (i) The 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.
- (ii) An attached ADU that is not situated atop another structure may only contain one story (an interior loft is not considered a second story) and may not exceed the following heights:

- a. 12 feet if located within 25 feet of a rear setback line;

- b. 12 feet if located within ten percent of lot width with a minimum of five feet and a maximum of ten feet from an interior side setback line; or
 - c. 16 feet if located completely outside of all setbacks outlined above.
 - b. *Detached ADUs.*
 - (i) A detached ADU not located atop an existing detached garage may only contain one story and may not exceed 12 feet in height
 - (ii) A detached ADU located atop a legally permitted existing detached garage may not exceed the height of the principal dwelling unit.
- 4. **Setbacks.** New Construction ADUs must observe the following setback requirements:
 - a. *Interior Side Setback:* Four feet.
 - b. *Rear Setback:* Four feet.
 - c. *Front Setback:* 20 feet.
 - d. *Secondary Front Setback on Corner Lots:* Ten feet.
- 5. **Separation.** The minimum separation between the principal dwelling unit and a detached ADU must be at least five feet for new construction.
- 6. **Passageway.** No Passageway, as defined by subsection (C)(8) above, is required for an ADU.
- 7. **Parking.**
 - a. Parking spaces are not required for ADUs.
 - b. *No Replacement.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- 8. **Design Requirements.** Administrative design review approval is required. If the property owner wishes to receive advice and informal guidance on the ADU design from the Design Review Board, the applicant will not need to pay any fees associated with such one-time

voluntary presentation of the ADU design to the Design Review Board. However, this review must be completed prior to application submittal. Administrative Design Review will be formally conducted by the Director, or designee. The following standards apply for Administrative Design Review of ADUs.

- a. The exterior appearance, design style and character of an attached ADU must have the same exterior appearance and architectural style of the principal dwelling and use the same exterior materials, colors, and design (e.g., siding, trim, windows, and other exterior physical features, etc.).
 - (i) A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU can be different in architectural style from that of the principal dwelling on the lot.
 - (ii) Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
- b. Roof pitch and roof materials for a newly constructed ADU can be different from that of the principal dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.
 - (i) An ADU with a roof with a 4:12 pitch or more for solar energy systems can increase the maximum height allowance of the ADU by three feet, as specified in the development standards in subsection (F)(3).
- c. Landscaping is required to enhance the appearance of the ADU as follows:
 - (i) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.
 - (ii) New landscaping must use water-efficient species only.
- d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions

to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

G. Development Impact Fees.

1. No Development Impact Fees are required for an ADU that is less than 750 square feet in floor area.
2. Any Development Impact Fee that is required for an ADU that is 750 square feet or larger in floor area must be charged proportionately in relation to the square footage of the principal dwelling unit. "Development Impact Fee" here does not include any connection fee or capacity charge for water or sewer service.

H. Utility Fees. Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new Single-Unit Dwelling.

I. Discretionary Approval. Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this Ordinance may be allowed through other applicable City discretionary zoning provisions, including the Modification and Design Review Board processes.

SECTION 6. Effect of Repeals.

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

SECTION 7. Severability.

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. 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 9. Effective Date.

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2020.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

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

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

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK