

**ORDINANCE NO. 24-06 U**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF GOLETA, CALIFORNIA,  
AMENDING SECTION 17.41.030 OF THE GOLETA  
MUNICIPAL CODE RELATING TO ACCESSORY  
DWELLING UNITS AND JUNIOR ACCESSORY  
DWELLING UNITS AND FINDING THE ACTION TO  
BE STATUTORILY EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
UNDER PUBLIC RESOURCES CODE SECTION  
21080.17 (CASE NO. 24-0006-ORD)**

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

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

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

**WHEREAS**, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 ("AB 2533") and Senate Bill 1211 ("SB 1211"), which further amend State ADU law; and

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

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

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

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

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

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

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

**SECTION 1.**           **Recitals**

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

**SECTION 2.**           **Environmental Assessment**

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law and which also regulates JADUs, as defined by Section 66313. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

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

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

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

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

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

This Ordinance is in the interest of the general community welfare, since it implements State law, specifically Chapter 13 of Division 1 of Title 7 of the

California Government Code, which are intended to protect and promote the general welfare of homeowners and surrounding communities.

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

The Ordinance is consistent with good zoning and planning practices, since it implements the subprogram HE 2.6 (Encourage Accessory Dwelling Units) of the Housing Element 2023-31, State law, and other applicable law in a manner designed to encourage construction of affordable housing.

**SECTION 4. Title 17 Amendments**

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

**SECTION 5. Submittal to the State**

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

**SECTION 6. Effect of Amendments**

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

**SECTION 7. Codification**

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

**SECTION 8.**

**Severability**

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

**SECTION 9.**

**Certification of City Clerk.**

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

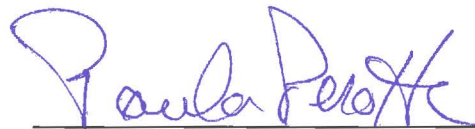
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION 10.**

**Effective Date.**

This Ordinance takes effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** this 3<sup>rd</sup> day of December 2024.



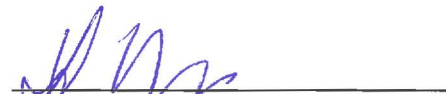
PAULA PEROTTE  
MAYOR

**ATTEST:**



DEBORAH S. LOPEZ  
CITY CLERK

**APPROVED AS TO FORM:**



ISAAC ROSEN  
ACTING CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 24-06U was duly adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 3<sup>rd</sup> day of December 2024, by the following roll-call vote, to wit:


AYES:                   MAYOR PEROTTE, MAYOR PRO TEMPORE REYES-  
                             MARTÍN, COUNCILMEMBERS KASDIN, KYRIACO AND  
                             RICHARDS

NOES:                   NONE

ABSENT:                NONE

ABSTENTIONS:       NONE

(SEAL)

  
\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

**Section 17.41.030. Accessory Dwelling Units (ADUs).**

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the City's General Plan/Coastal Land Use Plan land use designation and zone district for the lot on which the ADU or JADU is located.
  2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.
  3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
  4. Required to correct a Nonconforming Zoning Condition, as defined in subsection (C)(8) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. **Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
    - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
    - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
  2. **Accessory Structure.** A structure that is accessory and incidental to a dwelling located on the same lot.
  3. **Complete Independent Living Facilities.** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-family dwelling is or will be situated.
  4. **Efficiency Kitchen.** A kitchen that includes all of the following:
    - a. A cooking facility with appliances.
    - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
  5. **Junior Accessory Dwelling Unit (JADU).** A residential unit that satisfies all of the following:
    - a. Is no more than 500 square feet in size;

- b. Is contained entirely within an existing or proposed single-unit dwelling structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;
  - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-unit dwelling structure; and
  - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
  - e. Includes an efficiency kitchen, as defined in subsection (C)(4) above.
- 6. **Livable Space.** A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- 7. **Living Area.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- 8. **Multi-Family Dwelling.** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.
- 9. **Nonconforming Zoning Condition.** A physical improvement on a property that does not conform with current zoning standards.
- 10. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- 11. **Proposed Dwelling.** A dwelling that is the subject of a permit application and that meets the requirements for permitting.
- 12. **Single-Unit Dwelling.** Any structure designed for human habitation that has been legally created for a single independent living quarters.
- D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:
  - 1. **Building Permit Only.** If an ADU or JADU complies with each of the general requirements in subsection E below, the ADU or JADU is allowed with only a Building Permit under this section in the following scenarios:
    - a. *Converted on Single-Unit Lot.* One ADU and one JADU on a lot with a proposed or existing single-unit dwelling on it, where the ADU or JADU:
      - i. Is either:
        - (1) Within the space of a proposed single-unit dwelling;
        - (2) Within the existing space of an existing single-unit dwelling; or
        - (3) (in the case of an ADU only) Within the existing space of an accessory structure, plus up to 150 additional square feet if the



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

## **2. ADU Permit.**

- a. *Permit Required.* Except as allowed under subsection (D)(1), no ADU may be constructed or legalized without a building permit and ADU permit in compliance with the standards set forth in subsections E and F below.
- i. Inland Area. Within the inland area of the City, except as allowed under



subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.

- ii. Coastal Zone. Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of an ADU as well as for the legalization of any existing unpermitted ADU, unless exempt from the Coastal Act as determined by the California Coastal Commission.
- iii. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is approved by the City Council by resolution.

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

- a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- b. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
  - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
  - ii. When an application to create an ADU or is submitted with a permit application to create a new single-unit dwelling or multi-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-unit dwelling or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- c. *Denials*. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (D)(3)(b) above.
- d. *Demolition Permits*. Any required demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU building permit and issued at the same time as the building permit.

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

#### 1. ***Zoning.***

- a. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.

- b. An ADU subject to an ADU zoning permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use.
- c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. **Height.**

- a. Except as otherwise provided by subsections (E)(2)(b) and (E)(2)(c) below, a detached ADU created on a lot with an existing or proposed single family or multi-family dwelling unit may not exceed 16 feet in height.
  - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
  - c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
  - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(d) may not exceed two stories.
  - e. For purposes of this Section, height is the vertical distance between the existing legal grade and the uppermost point of the roof of the structure directly above that legal grade.
3. **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-unit dwelling lot) or from the lot and all of the dwellings (in the case of a multi-family dwelling lot).
6. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
7. **Owner-Occupancy.**

- a. ADUs created under this Section on or after January 1, 2020, are not subject to an owner-occupancy requirement.
  - b. As required by State law, all JADUs are subject to an owner-occupancy requirement under State law. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (E)(7)(b) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
8. **Minimum Size.** The minimum floor area of an ADU is 200 square feet for a standard unit. An "efficiency unit" ADU, in accordance with California Health and Safety Code Section 17958.1, may be a minimum of 150 square feet.
9. **Deed Restriction.** For all ADU or JADU, a deed restriction must be recorded against the title of the property in the Santa Barbara County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
  - a. Except as otherwise provided in Government Code Section 66341, the ADU or JADU may not be sold separately from the primary dwelling.
  - b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
  - c. The deed restriction runs with the land and may be enforced against future property owners.
  - d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Title. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Title.
  - e. The deed restriction is enforceable by the Director or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
10. **Building and Safety.** All ADUs and JADUs must comply with Title 15 of the Goleta Municipal Code. Construction of an ADU does not constitute a Group R occupancy change under Title 15, as described in Section 310 of the California Building Code, unless the City Building Official makes a written finding based on

substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (E)(10) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

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

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

- F. **Supplemental Requirements for ADUs.** The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above:

1. **Maximum Size.**

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

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

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

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

- c. Front setback: 20 feet, subject to subsection (F)(1)(c) above.
  - d. No setback is required for an ADU subject to this subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.
4. **Separation.** The minimum separation between the primary dwelling unit and a detached ADU must be at least five feet for new construction.
5. **Passageway.** No passageway, as defined by subsection (C)(9) above, is required for an ADU.
6. **Parking.**
- a. Parking spaces are not required for ADUs.
  - b. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
7. **Design Requirements.**
- a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance of those of the primary dwelling.
    - i. Samples of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.
  - b. The roof pitch must match that of the dominant roof pitch of the primary dwelling. The dominant roof pitch is the pitch shared by the largest portion of the roof. Roof pitch and roof materials for a newly constructed ADU may be different from that of the primary dwelling on the lot only if accommodating installation of solar energy systems at the same time as construction of the ADU.
  - c. Landscaping is required to enhance the appearance of the ADU as follows:
    - i. At least one 15-gallon size plant shall be provided along every five linear feet of exterior ADU wall in between the ADU and the right-of-way. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior ADU wall.
    - ii. New landscaping must use water-efficient species only.
  - d. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Samples of proposed vegetative screening and planting locations must be provided as part of a complete ADU application. Exceptions to this design standard apply only to conversion of legally permitted structures that do not include installation of new exterior windows facing an adjacent property line or when only clerestory windows are used and do not provide views into neighboring lots.

- e. Exterior lighting shall be directed downward, fully shielded, and full cutoff or as otherwise required by the building or fire code.
- 8. **Historical Protections.** An ADU that is on real property that is listed in the California Register of Historic Resources may not alter the exterior of any structure that is designated as a historic resource or, if the entire lot is designated as a historic resource, it may not alter the exterior of any structure on the lot.
- G. **Impact Fees.** The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above:
  - 1. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
  - 2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit.
- H. **Utility Fees.** Converted ADUs and JADUs on a single-unit dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility.
- I. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**
  - 1. **Generally.** The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
  - 2. **Unpermitted ADUs and JADUs Constructed Before 2020.**
    - a. *Permit to Legalize.* As required by State law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
      - i. The ADU or JADU violates applicable building standards, or
      - ii. The ADU or JADU does not comply with the State ADU or JADU law or this Section 17.41.030.
    - b. *Exceptions:*
      - i. Notwithstanding subsection (I)(2)(a) above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.
      - ii. Subsection (I)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety

Code Section 17920.3.

- J. **Discretionary Approval.** Any proposed ADU or JADU that does not conform to all of the objective standards set forth in this Section may be allowed through other applicable City discretionary approval process, including, but not limited to the Modification and Design Review Board processes.



