

Ordinance No. 1702(23)

**An Ordinance of the City Council of the City of Lompoc
Adopting Amendments to Regulations of Accessory Dwelling Units and Junior
Accessory Dwelling Units**

WHEREAS, Section 17.404.020 of the Lompoc Municipal Code (LMC) establishes regulations for accessory dwelling units (ADUs); and

WHEREAS, updates to the City of Lompoc’s regulations for ADUs and junior accessory dwelling units (JADUs) are needed in order to make those regulations compliant with State law, including but not limited to new State laws that will go into effect on January 1, 2023; and

WHEREAS, the Planning Commission, by Planning Commission Resolution No. 978 (22), following public hearings on November 9, 2022 and December 14, 2022, in the time and manner prescribed by law, recommended the proposed text amendments to the Zoning Code described herein; and

WHEREAS, the City Council held a public hearing on February 7, 2023, in the time and manner prescribed by law, and has duly heard and considered the Planning Commission’s recommendations.

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

SECTION 1. Findings. The City Council makes the following findings regarding the amendments to the Zoning Code stated in this ordinance:

- A. The amendments are consistent with the General Plan and are internally consistent with the Zoning Code.
- B. The amendments serve the public convenience, necessity, and welfare.
- C. The amendments are in compliance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 2. CEQA. The City Council finds and determines that the adoption of an ordinance to implement the provisions of Government Code Sections 65852.2 and 65852.22 is not subject to CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, this ordinance does not require any environmental review under CEQA.

SECTION 3. Table 17.208.030.A (Residential Zones Allowed Uses) is hereby revised as follows with the remainder of the Table remaining unchanged (additions in underline):

Use	Requirement by Zone					Specific Use Regulations
	RA	R-1	R-2	R-3	MH	
Residential Use Types						
Accessory Dwelling Unit	P	P	P	P	-	17.404.020

Use	Requirement by Zone					Specific Use Regulations
	RA	R-1	R-2	R-3	MH	
<u>Accessory Dwelling Unit, Junior</u>	<u>P</u>	<u>P</u>	=	=	=	<u>17.404.020</u>

SECTION 4. Table 17.224.020.A (Overlay Zones Allowed Uses) is hereby revised to remove the footnote as shown below (deletions in ~~strikethrough~~):

Use	Requirement by Zone						Specific Use Regulations
	AO	CRO	SO	PD	SEO	HSO	
Residential Use Types							
Accessory Dwelling Unit	-	Refer to base zone				P ¹	17.404.020

SECTION 5. Table 17.308.040.A (Parking Requirements) is hereby revised as follows with the remainder of the Table remaining unchanged (additions in underline):

Use	Parking Requirements ¹
Residential Use Types	
Accessory Dwelling Unit	See 17.404.020
<u>Accessory Dwelling Unit, Junior</u>	<u>See 17.404.020</u>

SECTION 6. Section 17.404.020 of the Lompoc Municipal Code (Accessory Dwelling Units) is hereby repealed and replaced in its entirety with the following:

17.404.020 Accessory Dwelling Units

- A. **Purpose.** This Section is intended to implement the provisions of Sections 65852.2 and 65852.22 of the Government Code and, in case of ambiguity, shall be interpreted to be consistent with such provisions.
- B. **Definitions.** For the purpose of this Section, the following terms shall be defined as follows:
 - 1. **ADU and JADU.** Accessory dwelling unit is abbreviated as ADU and junior accessory dwelling unit is abbreviated as JADU in this Section.

2. **Multifamily Dwelling.** A structure containing two or more attached primary dwelling units. Multiple detached single-family dwellings on the same lot are not a multifamily dwellings.
3. **Primary Dwelling or Primary Dwelling Unit.** A dwelling unit other than an ADU or JADU.
4. **Single-Family Dwelling.** A structure containing no more than one primary dwelling unit.

C. Review Process; Certificate of Occupancy.

1. Applications for ADUs and JADUs shall be approved or denied ministerially, without discretionary review or a hearing, through the building permit process, within sixty (60) days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an ADU or JADU is submitted with an application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the application for the ADU or the JADU until the City approves or denies the application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
2. If the City denies an application for an ADU or JADU, the City will provide to the applicant in writing a full set of comments with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. These comments will be provided to the applicant within the same timeframe for approval or denial of the application stated in subsection C.1.
3. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued within the same timeframe for approval or denial of the ADU application stated in subsection C.1.
4. If there is no existing primary dwelling on the property, a certificate of occupancy for an ADU shall not be issued before the City issues a certificate of occupancy for a primary dwelling.
5. Notwithstanding any other provision of this code, the City shall not deny an application for a permit to create an ADU or JADU due to the existence of nonconforming zoning conditions, building code violations, or unpermitted structures on the parcel that do not present a threat to public health and safety, as determined by the director, and are not affected by the construction of the ADU or JADU. "Nonconforming zoning conditions" means physical improvements on the property that do not conform with current zoning standards.

D. Consistency With Density Requirements, Zoning, and General Plan. For purposes of determining whether a proposed development is consistent with the zoning code and general plan, ADUs and JADUs shall be deemed to comply with all applicable density requirements for parcels on which they are otherwise permitted under this code.

E. Requirements for ADUs.

1. **Permitted Properties.** ADUs may only be located on a property with an existing or proposed single-family dwelling or multifamily dwelling.
2. **Location on Property.** ADUs may either be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
3. **Amount Permitted.**
 - a. **Parcel with Single-Family Dwelling(s).** If the parcel has one or more existing or proposed single-family dwellings, then a total of one ADU is allowed on the parcel.
 - b. **Parcel with Multifamily Dwelling(s).**
 - (i) If the parcel has one or more proposed or existing multifamily dwellings, then up to two detached ADUs are allowed on the parcel, provided that the ADUs shall be detached from each other and from all primary dwellings.
 - (ii) If the parcel has one or more existing multifamily dwellings, then one of the following options is allowed on the parcel:
 - (I) One ADU attached to an existing multifamily dwelling; or
 - (II) One ADU created through the conversion of space within an existing multifamily dwelling for every four existing multifamily units, provided that at least one ADU is allowed regardless of the number of units. For example, one ADU is allowed in an existing multifamily dwelling structure with seven or fewer units; two ADUs are allowed in an existing multifamily dwelling structure with eight to eleven units; and three ADUs are allowed in an existing multifamily dwelling structure with twelve units; etc.
 - (iii) Subsections (i) and (ii) may not be combined.
 - c. **Parcel with Both Single-Family and Multifamily Dwelling(s).** If a parcel has one or more existing or proposed single-family dwellings and one or more existing or proposed multifamily dwellings, then the owner may elect to proceed under either subsection (a) or subsection (b), but not both.
4. **Development Standards.** ADUs shall comply with all development standards applicable to the primary dwelling on the same parcel, with the following exceptions:
 - a. **Size.**

- (i) **Attached to Existing Primary Dwelling.** The total floor area of an ADU attached to an existing primary dwelling shall not exceed 50% of the floor area of the existing primary dwelling, or 1,200 square feet, whichever is less, except that the attached ADU shall not be required to be smaller than 800 square feet.
 - (ii) **Detached.** The total floor area for a new-construction detached ADU shall not exceed 1,200 square feet.
 - (iii) **Conversion of Existing Space.** There is no limit on the size of an ADU that is created through the conversion of space within an existing primary dwelling structure or existing detached accessory structure.
 - (iv) **ADU Within Proposed Primary Dwelling.** There is no limit on the size of an ADU that is proposed within the space of a proposed primary dwelling, provided that the primary dwelling structure, including the space occupied by the ADU, shall meet all development standards applicable to the primary dwelling.
 - (v) **Partial Conversion of Primary Dwelling and Partial New Construction.** If an ADU is partially created through the conversion of existing space in a primary dwelling but also includes the expansion of the existing space beyond the existing boundaries of the primary dwelling, then the ADU shall be considered attached and will be subject to the size limits in subsection (i).
 - (vi) **Partial Conversion of Accessory Structure and Partial New Construction.** An ADU created through the conversion of an existing detached accessory structure may expand the dimensions of the structure by up to 150 square feet solely for the purpose of accommodating ingress and egress. However, if the dimensions of the structure are increased by more than 150 square feet or are increased by up to 150 square feet but for a purpose other than accommodating ingress and egress, then the ADU will be considered a new-construction detached ADU and will be subject to the size limits in subsection (ii).
- b. **Height; Second-Story ADUs.**
- (i) ADUs shall not exceed the height limit required for primary dwelling units in the zone in which the ADU is located, provided that the height limit for a detached ADU shall not be less than the minimum height limits required in subsection (ii).
 - (ii) Notwithstanding subsection (i), the minimum height of a detached ADU shall not be required to be less than the following:
 - (I) 16 feet.

- (II) 18 feet for a detached ADU on a lot that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, plus an additional two feet in height for the purpose of accommodating a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- (III) 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- (iii) ADUs may be up to two stories tall from ground level.
- (iv) ADUs may be built above existing or proposed one-story accessory structures, including but not limited to detached garages, and may be built above an existing or proposed one-story primary dwelling unit, provided that the resulting structure may be no more than two stories.

c. **Setbacks.**

- (i) The side and rear setbacks for an ADU shall be four feet. The front setback for an ADU shall be the same as the front setback required for primary dwelling units in the zone in which the ADU is located.
- (ii) A detached ADU shall not be located closer to the front property line than any primary dwelling unit.
- (iii) Notwithstanding (i) and (ii), no setback is required for the conversion of an existing structure or for a new structure constructed in the same location as an existing structure if the existing structure is permitted and the converted structure or new structure will have the same dimensions as the existing structure.

d. **Limit on Enforcing Standards.** Lot coverage, floor area ratio, open space, front setbacks, and minimum lot size requirements shall not be enforced to the extent that they would prevent an attached or detached ADU from being at least eight hundred (800) square feet. However, all other development standards, including side and rear setbacks, shall be enforced even if they would limit the ADU to less than eight hundred (800) square feet, except as provided in subsection M.

5. **Required Facilities.** ADUs shall include complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom.

6. **Separate Entrances.** ADUs located within or attached to a primary dwelling shall include an entrance that is separate from the main entrance to the primary dwelling. The separate entrance shall be located on the side or in the rear of the primary dwelling.

7. **Fire Sprinklers.** ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
8. **Building Code Requirements.** ADUs shall comply with all local Building Code requirements, except as provided in Government Code Section 65852.2(a)(1)(D)(viii), as may be amended or renumbered.

F. **Requirements for JADUs.**

1. **Permitted Properties.**
 - (a) JADUs are only permitted on a property with one existing or proposed single-family dwelling. Properties with more than one existing or proposed single-family dwelling or with any number of existing or proposed multifamily dwellings are not permitted to have a JADU.
 - (b) If a second primary unit is constructed on a property with an existing JADU, then, notwithstanding any other provision of this Section, no new ADUs shall be permitted on the property unless the JADU is demolished.
2. **Location on Property.** JADUs shall be located entirely within a proposed or existing single-family dwelling structure, including an attached garage, but not including a detached garage.
3. **Amount Permitted.** No more than one JADU is permitted per parcel.
4. **Size.** A JADU shall be no larger than 500 square feet.
5. **Separate Entrance.** A JADU shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling. The separate entrance shall be located on the side or in the rear of the primary dwelling.
6. **Building Code Requirements.** JADUs shall comply with all local Building Code requirements.
7. **Required Facilities.** A JADU shall include living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking, including an efficiency kitchen. An efficiency kitchen shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A JADU may include separate sanitation facilities or may share sanitation facilities with the primary dwelling. If the JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area of the primary residence.
8. **Owner Occupancy.** The property owner must reside in a single-family residence that includes a JADU. The owner may reside in either the JADU or the remaining portion of the structure. However, owner-occupancy is not required if the owner is a government agency, land trust, or housing organization.

9. **Deed Restriction.** The approval of a JADU shall be conditioned on the recordation of a deed restriction, which shall run with the land. The deed restriction shall be approved by the city attorney and the director or designee. The property owner shall bear the cost of recording the deed restriction. The deed restriction shall include the following:

- a. A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
- b. A restriction on the size and attributes of the JADU that conforms to Government Code Section 65852.22.

G. **Parking; Replacement Parking Spaces.**

1. No new parking spaces are required for an ADU or JADU.
2. Off-street parking spaces do not need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU.
3. Off-street parking spaces shall be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a JADU or is converted to a JADU.
4. Replacement parking spaces shall comply with the requirements in Chapter 17.308.

H. **Design Standards.** Any new construction required to create an ADU or JADU shall comply with the City's architectural and design guidelines.

I. **ADUs and JADUs on a Lot Created by an Urban Lot Split.** Notwithstanding any other provision in this Section, only two total dwelling units, including ADUs and JADUs, are permitted on a lot that was created through an urban lot split pursuant to Government Code Section 66411.7.

J. **Utilities.**

1. **Connection Fees and Capacity Charges.** An ADU will not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
2. **Separate Utility Connections.** Separate utility connections directly between the unit and the utility are not required for ADUs or JADUs, except as required under subsection (J)(3).
3. **Separate Sale of ADU.** Any ADU that is sold or conveyed separately from the primary residence pursuant to Government Code 65852.26 shall have a separate utility connection directly between the unit and utility for all utilities, including but not limited to water, sewer, electric, and gas.

K. Sale and Rental of Units.

1. Except as provided in Government Code Section 65852.26, ADUs and JADUs may not be sold or otherwise conveyed separate from the primary dwelling.
2. An ADU or JADU may be rented separate from the primary dwelling but ADUs may not be rented for a term of less than 31 consecutive days.

L. Development Impact Fees. No impact fee shall be imposed for a JADU or an ADU that is less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this subsection, "impact fee" has the meaning given in Government Code Section 65852.2(f)(3)(b).

M. State Exemption ADUs and JADUs. Notwithstanding any other provision in this section except for subsections (F)(1)(b) and (I), the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit or units meets the requirements of subsection (e)(1)(A), (e)(1)(B), (e)(1)(C), or (e)(1)(D) of Government Code Section 65852.2, provided that only one such subsection may be used per parcel.

SECTION 7. Section 17.324.020 of the Lompoc Municipal Code is hereby revised as follows (additions in underline):

17.324.020 Applicability

A. Inclusionary housing shall be required in the following residential developments:

1. Residential Developments Outside the Old Town Redevelopment Project, Amendment No. 2 Area. Residential developments of 10 units or more that are not exempt pursuant to Subsection B, and that are outside of the Old Town Redevelopment Project, Amendment No. 2 Area, shall be required to comply with inclusionary housing requirements in compliance with Section 17.324.030.A unless an alternative method of compliance, per Section 17.324.040 (Alternative Methods of Compliance), is approved by the review authority.
2. Residential Developments Within the Old Town Redevelopment Project, Amendment No. 2 Area. Within the Old Town Redevelopment Project, Amendment No. 2 Area, residential developments shall be required to comply with inclusionary housing requirements in compliance with Section 17.324.030.B, unless an alternative method of compliance, per Section 17.324.040 (Alternative Methods of Compliance), is approved by the review authority.

B. Exemptions. The following developments are exempt from the inclusionary housing requirement of this Chapter:

1. Live/work units.
2. Accessory dwelling units and Junior Accessory Dwelling Units.
3. Mobile homes.

4. Emergency shelters and any development operated by a non-profit or social services organization to provide food storage, meal service, and/or temporary shelter to the homeless.
5. Residential care homes.
6. Transitional housing.
7. Supportive housing.

SECTION 8. Section 17.512.020 of the Lompoc Municipal Code is hereby revised as follows (additions in underline):

17.512.020 Applicability

Architectural Design and Site Development Review shall be required for all new buildings or structures and additions and alterations to existing structures with the following exceptions:

- A. Single-family homes in R-1 zones, and development projects with six or fewer residential units in the R-2, R-3, and MU zones, that are not part of a subdivision map;
- B. Accessory Dwelling Units and Junior Accessory Dwelling units;
- C. Additions of floor area within the existing building envelope;
- D. Additions and alterations to existing buildings and structures that will not increase the gross floor area of the building by more than 2,500 square feet and will not involve exterior alterations along any street-facing façade on Ocean Avenue, H Street north of Cypress Avenue, or Central Avenue; and
- E. Alterations and improvements required to meet Federal or State requirements to accommodate persons with disabilities.

SECTION 9. A definition of “Accessory Dwelling Unit, Junior” is hereby added to Section 17.704.020.A of the Lompoc Municipal Code and shall be added in alphabetical order and read as follows:

Accessory Dwelling Unit, Junior. A residential dwelling unit that is no more than 500 feet in size and is contained within a single-family residence. This definition shall be interpreted as consistent with the definition for “junior accessory dwelling unit” in Government Code Section 65852.22.

SECTION 10. The definition of “Accessory Dwelling Unit” in Section 17.708.020.D of the Lompoc Municipal Code is hereby replaced in its entirety with the following:

Accessory Dwelling Unit. See “Accessory Dwelling Unit” in Section 17.704.020.A.

SECTION 11. A definition of “Accessory Dwelling Unit, Junior” is hereby added to Section 17.708.020.D of the Lompoc Municipal Code and shall be added in alphabetical order and read as follows:

Accessory Dwelling Unit, Junior. See “Accessory Dwelling Unit, Junior” in Section 17.704.020.A.

SECTION 12. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 13. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause this ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

SECTION 14. Submission to Department of Housing and Community Development. Pursuant to Government Code section 65852.2(h), a copy of this ordinance shall be submitted to the Department of Housing and Community Development within 60 days after adoption.

SECTION 15. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on February 7, 2023, and adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on March 7, 2023, by the following electronic vote:

PASSED AND ADOPTED this ____ day of _____, 2023, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc