

Ordinance No. 1749(26)

**An Ordinance of the City of Lompoc
County of Santa Barbara, State of California,
Amending Lompoc Municipal Code Title 17
(Zoning Code) Chapter 17.404.020 (ADUs)
(TA 2024-0002)**

WHEREAS, Text Amendment (TA 2024-0002) (Project) to the City of Lompoc (City) Zoning Code is initiated by the City; and

WHEREAS, the Planning Commission by Resolution No. 1034 (26), following a public hearing on June 10, 2026, in the time and manner prescribed by law, recommended the proposed text amendments described herein; and

WHEREAS, the City Council held a public hearing on July 21, 2026, in the time and manner prescribed by law, and has duly heard and considered the Planning Commission's recommendations; and

WHEREAS, the City as Lead Agency determined the Zoning Code amendments are exempt from environmental review pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units).

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

SECTION 1. The City Council hereby finds and determines that:

- A. The Planning Commission did, by Resolution No. 1034 (26), following a public hearing in the time and manner prescribed by law, recommend the text amendments described hereinafter.
- B. The City Council has held a public hearing in the time and manner prescribed by law and has duly heard and considered the Planning Commission's recommendation.
- C. The proposed amendments are internally consistent with all other provisions of the 2030 General Plan; and
- D. The proposed amendments are internally consistent with any applicable specific plan; and
- E. The proposed amendments serve the public necessity, convenience and general welfare; and

- F. The proposed amendments are exempt from environmental review pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units); and
- G. Pursuant to Government Code Section 66326(b)(2), the City Council finds as follows:
- i. The City of Lompoc (City) has considered the findings made by the California Department of Housing and Community Development (HCD) provided in writing to the City in a letter dated July 31, 2024, regarding the City's previously adopted Accessory Dwelling Unit ordinance. Having considered HCD's findings, the City Council finds that this ordinance complies with Government Code Sections 66310 through 66342 (State ADU Law). This ordinance reflects and is consistent with HCD's findings in its July 31, 2024, correspondence, except for the item described below in subsection ii, with respect to HCD's Finding No. 9, related to Parking requirements. Consistent with Government Code Section 66326(b)(2)(B), subsection ii, below, constitutes the City's explanation of the reasons the City believes that this ordinance complies with the State ADU Law.
 - ii. HCD Finding – Parking. With respect to the parking requirements in Section 17.404.020(G)(3) of the ordinance, HCD found that pursuant to Government Code Section 66334(a) "[a]ny parking requirements imposed in conjunction with the construction of a JADU is not compliant with state law. Therefore, the City must remove this restriction entirely."

City Response/Finding Pursuant to Government Code Section 66326(b)(2)(B)

The City respectfully disagrees with HCD's reading of Government Code Section 66334. First, HCD seems to misapprehend the parking requirements included in Section 17.404.020(G)(3) as requiring the creation of additional parking for the JADU. This is not what Section 17.404.020(G)(3) requires; instead, it requires that when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a JADU or is converted to a JADU, that off-street parking spaces required for the primary dwelling be replaced.

Second, there is no caselaw addressing this issue, so there is no authoritative interpretation of Government Code Section 66334(a).

Third, the statutory language does not support HCD's position that any parking requirements imposed with the construction of a JADU are not compliant with state law and must be removed. Government Code section 66334(a) states that, "[a] junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit." (Emphasis added.) This means that a JADU shall not be required to provide parking in addition to the parking already required for the primary residence. It does not

mean that a public agency is prohibited from requiring that parking for the primary residence eliminated in the construction of the JADU is not required to be replaced.

Additionally, HCD's position contradicts its previous guidance and interpretation, even though there have been no substantive changes to the statutory language, under the "Guidelines for Garage Conversion ADU's" published in March 2021, where HCD was careful to advise that no replacement parking is required for an ADU, but that a "local government may require replacement parking for a JADU Garage Conversion." HCD's interpretation of the State ADU Law on this issue likely would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs., Inc.*, 11 Cal.5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan*, 162 Cal.App.4th 289, 303 (2008).) The most reasonable reading of the statute is that a public agency may require replacement parking, not additional parking, as a condition to granting a permit for a JADU.

HCD's interpretation of Government Code Section 66334(a) is not inconsequential; it would allow an applicant for a JADU to force even more vehicles onto public streets, resulting in significant neighborhood parking congestion and also rendering the primary residence non-compliant with the City's Zoning Code. The City does not currently require additional parking for JADUs or ADUs, but only requires that parking continue to be provided for the primary dwelling unit. For these reasons, the City declines to revise this provision in the ordinance.

SECTION 2. LMC Section 17.404.020 is hereby replaced with the following:

§ 17.404.020. Accessory Dwelling Units.

- A. Purpose. This Section is intended to implement the provisions of Sections 66310 - 66342 of the Government Code and, in case of ambiguity, shall be interpreted to be consistent with such provisions. In case of conflict, the Government Code will control.
- 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 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 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 detached single-family dwellings, then one ADU converted from existing space (attached or detached), one detached ADU (new construction), and one JADU are allowed on the parcel.
 - b. Parcel with multifamily dwelling(s). ADUs shall be permitted on a parcel within multifamily dwelling structures as required by Government Code Section 66323(a)(3) and on a lot with an existing or proposed multifamily dwelling as required by Government Code Section 66323(a)(4).
 - 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 E.3.a or Subsection E.3.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 E.4.a.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 E.4.a.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 E.4.b.ii.
- (ii) Notwithstanding Subsection E.4.b.i, the minimum height of a detached ADU shall not be required to be less than the following:
 - (a) 16 feet.

(b) 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.

(c) 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 Subsections E.4.c.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 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 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 should be located in the rear or side of the primary unit or structure whenever feasible.
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 66314(d)(8), 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 in single-family residential zones. A maximum of one JADU is permitted per single-family residential lot, regardless of the number of existing or proposed dwellings on the lot.
 - b. If a second primary unit is constructed on a property with an existing JADU, then, notwithstanding any other provision of this Section, no additional JADUs will be permitted.
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.
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 66333.

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 Review Standards (section IV.B.2), but only to the extent such Architectural Review Standards meet the definition of "objective standards" as defined in Government Code Section 66313 and as provided in Government Code Section 66314.

- 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 Section 66341 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 66341, 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 66324(c)(2).
- 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 Government Code Section 66323.
- N. ADUs and JADUs prohibited on parcels created under the Starter Home Revitalization Act.

In accordance with the California Government Code Section 66499.41(g), the City of Lompoc chooses not to permit an ADU or a JADU on parcels created through the

exercise of the authority contained within Government Code Section 66499.41, known as the Starter Home Revitalization Act of 2021.

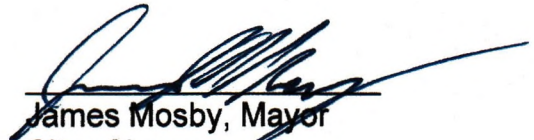
SECTION 3. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

The foregoing Ordinance was introduced on July 21, 2026, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on August 18, 2026 by the following vote:

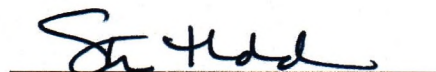
AYES: Council Member(s): Jeremy Ball, Steve Bridge, Dirk Starbuck, Victor Vega, and Mayor James Mosby.

NOES: Council Member(s): None

ABSENT: Council Member(s): None


James Mosby, Mayor
City of Lompoc

ATTEST:


Stacey Haddon, City Clerk
City of Lompoc