



Planning Commission Staff Report

City of Colton
Development Services Department

MEETING DATE: January 13, 2026

FILE INDEX NUMBER: DAP25-0047

REQUEST: **Zoning Text Amendment** to modify various provisions of Title 18, Section 18.48.150 of the Colton Municipal Code related to Accessory Dwelling Units (ADUs) and Junior ADUs.

APPLICANT: City-initiated

BACKGROUND

Since 2013, the City has adopted numerous zoning text amendments. The City has initiated an amendment of several Zoning Code (Title 18) sections of the Colton Municipal Code to group changes covering various topics into one unified code text amendment. The amendments are for the following purposes:

- Provide clarity to implement existing regulations.
- Provide internal consistency with other code regulations.
- Allow greater flexibility for certain standards.
- Address potential negative impacts from specified uses.

Pursuant to the state planning and zoning law and the Colton Municipal Code, the Planning Commission must consider the amendments, determine whether they are consistent with the Colton General Plan and the existing Colton Zoning Code and make a recommendation to the City Council.

In recent years, 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 Junior ADUs. In 2025, the California Legislature approved, and the Governor signed into law, four new bills — AB 462, AB 1154, SB 9; and SB 543 — that further amend state ADU law as summarized below.

DISCUSSION

New Legislation:

AB 462 – Rules Governing the Issuance of a Certificate of Occupancy (C of O) for an ADU

AB 462 modifies the rules governing the issuance of a certificate of occupancy (C of O) for an ADU. Historically, state law has prohibited a local agency from issuing a C of O for an ADU before one is issued for the primary dwelling (i.e., the primary dwelling must have a C of O before the ADU can receive one).

AB 462 creates a narrow exception to this prohibition for detached ADUs when all of the following conditions are satisfied: (1) the Governor has declared a state of emergency for the county on or after February 1, 2025; (2) the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation; and (3) the ADU has been issued construction permits and passed

all required inspections. (Gov. Code, § 66328(b).) If these conditions are satisfied, the detached ADU can receive a C of O before the primary dwelling. In all other scenarios, the primary dwelling still needs a C of O before one can be issued for an ADU.

AB 462 was enacted as an urgency measure that *took effect immediately* when signed by the Governor (on October 10, 2025).

The following three bills were enacted as non-urgency measures and take effect on January 1, 2026.

AB 1154 – JADU Owner-Occupancy; Short-Term Rental

When a JADU is developed, existing state law requires a property owner to reside in the JADU or remaining portion of the single-family dwelling. AB 1154 narrows this requirement to now only apply when a JADU shares sanitation facilities (bathroom) with the single-family dwelling. If the JADU has its own bathroom, then the property owner does not have to reside on the property at all. (See amended Gov. Code, § 66333(b).)

AB 1154 also expressly prohibits JADUs from being used as short-term rentals (i.e., rented for a term shorter than 30 days). (See amended Gov. Code, § 66333(g).) Most ADU ordinances already included this prohibition (as well as prohibiting ADUs from being used as short-term rentals). But now it's required by state law.

SB 9; SB 543 – ADU Ordinance Submittal to HCD; Approval

Under existing law, local agencies are required to submit a copy of their ADU ordinance to the California Department of Housing and Community Development (HCD) within 60 days of adoption.

This year's SB 9¹ and SB 543 create a penalty for failing to do so by rendering null and void any local ordinance that is not submitted to HCD within 60 days of adoption. (See amended Gov. Code, § 66326(d); new Gov. Code, § 66333.5(d).) The bills further specify that a local ADU ordinance is null and void if HCD issues findings that the ordinance does not comply with state law and the local agency fails to respond to HCD within 30 days. (*Id.*)

SB 543 – ADU Size; Number of ADUs; Impact Fees; Application Timeline

SB 543 makes numerous changes and clarifications to state ADU law, the most notable of which are summarized below.

ADU & JADU Size

Existing law limits the maximum size of a JADU to 500 square feet and prohibits local ADU ordinances from imposing certain development standards that would prevent an ADU created under Government Code section 66314 through 66322 from being at least 800 square feet.

SB 543 amends state ADU law to specify that allowable square footage of an ADU or JADU refers to square footage of "interior livable space." (See amended Gov. Code, § 66313(d), 66321(b)(2).)

Impact Fees

Existing law exempts ADUs that are 750 square feet or smaller from development impacts fees (DIFs).

SB 543 clarifies that DIFs may not be imposed on an ADU that has 750 or fewer square feet of *interior* livable space or on a JADU with 500 or fewer square feet of *interior* livable space.

¹ Not to be confused with the SB 9 of 2021 (Stats. 2021, Ch. 162) regarding urban lot splits and second primary dwelling units.

The bill also exempts an ADU or JADU with fewer than 500 square feet of interior livable space from school impact fees. (See amended Gov. Code, § 66311.5.)

Quantity of ADUs Created Under Government Code Section 66323

Existing state law creates four categories of ADUs that must be approved if they comply with the limited standards provided in Government Code section 66323(a)(1)–(4). These are:

- (1) A converted ADU and JADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(1));
- (2) A detached ADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(2));
- (3) Converted ADUs created in an existing multifamily dwelling (Gov. Code, § 66323(a)(3)); and
- (4) Detached ADUs created on a lot with a proposed or existing multifamily dwelling.

Allowing Combinations of ADUs on Property

For some time, there has been uncertainty as to whether ADUs created under Government Code section 66323 could be combined. Some practitioners interpreted the statute to not require local agencies to allow combinations. Initially, HCD took the same position in its 2020 ADU Handbook. But for the last few years, HCD has taken the opposite position: that yes, combinations are permitted. (See HCD January 2025 ADU Handbook, at p. 19 [“[P]ursuant to Government Code section 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together”].)

SB 543 codifies HCD’s most recent interpretation by amending Government Code section 66323 to specifically allow combinations. Thus, a lot with a multifamily dwelling can now have a converted ADU or ADUs created under section 66323(a)(3) *and* detached ADUs created under section 66323(a)(4). And a lot with a single family dwelling can now have a converted ADU and a JADU created under section 66323(a)(1) *and* a detached ADU created under section 66323(a)(2).

ADU Permitting Process

Existing law has long required local agencies to approve or deny an ADU application within 60 days of receiving a complete application. However, state law was silent with respect to incompleteness determinations, subsequent resubmittals, and appealing local decisions on ADU applications.

SB 543 requires local agencies to now:

- (1) Determine whether an ADU application is complete within 15 business days of submittal;
- (2) If the application is incomplete, within the same 15 days provide the applicant with a list of incomplete items and how to address them;
- (3) Review a resubmitted application for completeness within 15 business days;
- (4) Provide the applicant with a written appeal process for any incompleteness determination or denial (to the Planning Commission or City Council, or both); and

- (5) Provide a final written determination on the appeal within 60 business days of receiving the appeal).
(See amended Gov. Code, §§ 66317 [ADUs], 66335 [JADUs].)

AB 462 took effect immediately when signed, but technically it doesn't require any change to a local ADU ordinance; the City just needs to follow the new rules for CDP processing and issuance of a CofO, if applicable. But the remaining bills take effect January 1, 2026, and for the City's ADU ordinance to remain valid and enforceable, it must comply with the new changes in state law. Adopting the proposed ordinance (Exhibit A to Attachment 1) ensures that the City's ADU ordinance will remain in compliance with state law. For these reasons, staff recommends that the Planning Commission adopt the attached resolution (Attachment 1), recommending that the City Council adopt the proposed ordinance.

The attached resolution and the draft ordinance (**Attachment 1_PC Resolution**) contains all of the proposed changes as redlined for new language and strike thru for language to be deleted to the Chapter 18, Section 18.48.150 (Accessory Dwelling Units) of the Municipal Code, substantially in the form attached.

ENVIRONMENTAL DETERMINATION

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 and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

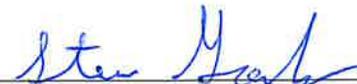
PUBLIC NOTICING:

In accordance with the requirements of Government Code section 65090, this item has been noticed in a newspaper of general circulation as of December 20, 2025.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed text amendment to the City Council through adoption of the attached Resolution titled:

RESOLUTION NO. R-02-26 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 18, SECTION 18.48.150 OF THE COLTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA (FILE INDEX NO. DAP25-0047)


Prepared by:
Steve Gonzales, Associate Planner


Reviewed by:
Mario Suarez, AICP, Planning Manager


Approved by: Heidi Duron, Development Services Director

ATTACHMENTS

1. Draft Planning Commission Resolution R-02-26 with Exhibit A – Draft ADU Ordinance (redlined and strike-thru)
2. Draft Planning Commission Resolution R-02-26 with Exhibit A – Draft ADU Ordinance (clean)

Draft Planning Commission Resolution R-02-26 with Exhibit A- Draft ADU Ordinance (redlined
& strike-thru)

Attachment 1

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RESOLUTION NO. R-02-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 18, SECTION 18.48.150 OF THE COLTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ADOPTION OF THE ORDINANCE TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17 (FILE INDEX NO. DAP25-0047)

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, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of 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 2025, the California Legislature approved, and the Governor signed into law, Assembly Bill 462 (“AB 462”), Assembly Bill 1154 (“AB 1154”), Senate Bill 9 (“SB 9”), and Senate Bill 543 (“SB 543”), which further amend state ADU law; and

WHEREAS, AB 462, AB 1154, SB 9, and SB 543 are in effect, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 462, AB 1154, SB 9, and SB 543; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 462, AB 1154, SB 9, and SB 543’s changes to state law; and

WHEREAS, on January 13, 2026, the Planning Commission held a duly-noticed public hearing to consider the attached Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COLTON DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, 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 proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

1 **SECTION 3. General Plan.** The Planning Commission hereby finds that the adoption of
2 the Ordinance is consistent with the General Plan as a matter of law under Government Code
3 section 66314(c).

4 **SECTION 4. Recommendation.** Given the foregoing, and based on the entire record before
5 the Planning Commission, the Planning Commission hereby recommends that the City Council
6 adopt the ordinance attached hereto as Exhibit "A."
7

8 **SECTION 5. Effective Date.** This Resolution takes effect immediately upon adoption.
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10 **SECTION 6. Certification; Records.** The secretary shall attest as to the adoption of this
11 Resolution and cause the same to be maintained in the permanent records of the City.

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15 PASSED, APPROVED AND ADOPTED this 13th day of January, 2026.
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Planning Commission Chairperson
Richard Prieto

ATTEST:

Planning Commission Secretary
Heidi Duron, Development Services Director

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on January 13, 2026, by the following vote of the Planning Commission:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Planning Commission Secretary
Heidi Duron, Development Services Director

1 **Exhibit-A**

2
3 **ORDINANCE NO. O-XX-26**

4 **AN ORDINANCE AMENDING TITLE 18, SECTION 18.48.150 OF THE COLTON**
5 **MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR**
6 **ACCESSORY DWELLING UNITS AND DETERMINING THE ADOPTION OF THE**
7 **ORDINANCE TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC**
8 **RESOURCES CODE § 21080.17 (FILE INDEX NO. DAP25-0047)**

9
10 **WHEREAS**, the City Council of the City of Colton desires to amend certain provisions of
11 the Colton Zoning Code to ensure consistency with state law; and

12
13 **WHEREAS**, state law authorizes cities to act by ordinance to provide for the
14 creation and regulation of accessory dwelling units (“ADUs”) and junior accessory
15 dwelling units (“JADUs”); and

16
17 **WHEREAS**, in recent years, the California Legislature has approved, and the
18 Governor has signed into law, numerous bills that, among other things, amend various
19 sections of the Government Code to impose new limits on local authority to regulate ADUs
20 and JADUs; and

21
22 **WHEREAS**, in 2025, the California Legislature approved, and the Governor
23 signed into law, Assembly Bill 462 (“AB 462”), Assembly Bill 1154 (“AB 1154”), Senate
24 Bill 9 (“SB 9”), and Senate Bill 543 (“SB 543”), which further amend state ADU law; and

25
26 **WHEREAS**, AB 462, AB 1154, SB 9, and SB 543 are in effect, and for the City’s
27 ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 462,
AB 1154, SB 9, and SB 543; and

28
29 **WHEREAS**, the City desires to amend its local regulatory scheme for the
30 construction of ADUs and JADUs to reflect AB 462, AB 1154, SB 9, and SB 543’s changes
to state law; and

31
32 **WHEREAS**, on January 13, 2026, the Planning Commission held a duly-noticed
33 public hearing and considered the staff report, recommendations by staff, and public
34 testimony concerning this proposed Ordinance. Following the public hearing, the Planning
35 Commission voted to forward the Ordinance to the City Council with a recommendation
in favor of its adoption; and

36
37 **WHEREAS**, on January 20, 2026, the City Council held a duly-noticed public
38 hearing to consider the Ordinance, including: (1) the public testimony and agenda reports
39 prepared in connection with the Ordinance, (2) the policy considerations discussed therein,
and (3) the consideration and recommendation by the City’s Planning Commission; and

40 **WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred.

1 **NOW, THEREFORE**, the City Council of the City of Colton does ordain as
2 follows:

3 **SECTION 1. Incorporation.** The recitals above are each incorporated by reference
4 and adopted as findings by the City Council.

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

11 **SECTION 3. General Plan.** The City Council hereby finds that the adoption of the
12 Ordinance is consistent with the General Plan as a matter of law under Government Code
13 section 66314(c).

14 **SECTION 4. Code Amendment.** Section 18.48.150 – ACCESSORY DWELLING
15 UNITS of the Colton Municipal Code is hereby amended and restated to read in its entirety
16 as provided in Exhibit “A-1,” attached hereto and incorporated herein by reference.

17 **SECTION 5. Effective Date.** This Ordinance takes effect 30 days after its adoption.

18 **SECTION 6. HCD Submittal.** In accordance with Government Code section
19 66326, the City Clerk is directed to submit a copy of this Ordinance to the California
20 Department of Housing and Community Development within 60 days after adoption.

21 **SECTION 7. Publication.** The City Clerk is directed to certify to the adoption of
22 this Ordinance and post or publish this Ordinance as required by law.

23 **SECTION 8. Custodian of Records.** The custodian of records for this Ordinance is
24 the City Clerk and the records comprising the administrative record are located at 650 N.
25 La Cadena Drive, Colton, CA 92324.

26 **SECTION 9. Severability.** If any provision of this Ordinance or its application to
27 any person or circumstance is held to be invalid by a court of competent jurisdiction, such
28 invalidity has no effect on the other provisions or applications of the Ordinance that can be
29 given effect without the invalid provision or application, and to this extent, the provisions
30 of this Ordinance are severable. The City Council declares that it would have adopted this
31 Ordinance irrespective of the invalidity of any portion thereof.

Exhibit "A-1"

SECTION 18.48.150 – ACCESSORY DWELLING UNITS

Section 18.48.150 - Accessory Dwelling Units

- (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 California Government Code sections 65852.2 and 65852.22.
- (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 and zoning designation for the lot on which the ADU or JADU is located.
 - (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - (3) Considered in the application of any local 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” or “ADU” means 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” means a structure that is accessory and incidental to a dwelling located on the same lot.
 - (3) “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 - (4) “Efficiency kitchen” means a kitchen that includes all of the following:

- 1 (A) A cooking facility with appliances.
- 2 (B) A food preparation counter and storage cabinets that are of a
3 reasonable size in relation to the size of the JADU.
- 4 (5) “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies
5 all of the following:
- 6 (A) It is no more than 500 square feet of **interior livable space** in
7 size.
- 8 (B) It is contained entirely within an existing or proposed single-
9 family structure. An enclosed use within the residence, such as an
10 attached garage, is considered to be a part of and contained within
11 the single-family structure.
- 12 (C) It includes its own separate sanitation facilities or shares
13 sanitation facilities with the existing or proposed single-family
14 structure.
- 15 (D) If the unit does not include its own separate bathroom, then it
16 contains an interior entrance to the main living area of the existing
17 or proposed single-family structure in addition to an exterior
18 entrance that is separate from the main entrance to the primary
19 dwelling.
- 20 (E) It includes an efficiency kitchen, as defined in subsection (c)(4)
21 above.
- 22 (6) “Livable space” means a space in a dwelling intended for human habitation,
23 including living, sleeping, eating, cooking, or sanitation.
- 24 (7) “Living area” means the interior habitable area of a dwelling unit, including
25 basements and attics, but does not include a garage or any accessory structure.
- 26 (8) “Nonconforming zoning condition” means a physical improvement on a property
27 that does not conform with current zoning standards.
- 28 (9) “Passageway” means a pathway that is unobstructed clear to the sky and extends
29 from a street to one entrance of the ADU or JADU.
- 30 (10) “Proposed dwelling” means a dwelling that is the subject of a permit application
31 and that meets the requirements for permitting.
- 32 (11) “Public transit” means a location, including, but not limited to, a bus stop or train
33 station, where the public may access buses, trains, subways, and other forms of
34 transportation that charge set fares, run on fixed routes, and are available to the
35 public.

1 (12) "Tandem parking" means that two or more automobiles are parked on a driveway
2 or in any other location on a lot, lined up behind one another.

3 (d) **Approvals.** The following approvals apply to ADUs and JADUs under this section:

4 (1) Ministerial ADU and Building Permits Required. Every ADU and JADU
5 requires an ADU permit and a building permit. The city will review and
6 approve permit applications in accordance with subsection (d)(3) below.

7 (2) Processing Fee. The city may charge a fee to reimburse it for costs incurred in
8 processing ADU permits, including the costs of adopting or amending the
9 city's ADU ordinance. The ADU-permit processing fee is determined by the
10 Development Services Director and approved by the city council by resolution.

11 (3) **Process and Timing.**

12 (A) Completeness.

13 (i) Determination in 15 days. The city will determine whether an
14 application to create or serve an ADU or JADU is complete and
15 will provide written notice of the determination to the applicant
16 within 15 business days after the city receives the application
17 submittal.

18 (ii) Incomplete items. If the city's determination under subsection
19 (d)(3)(A)(i) above is that the application is incomplete, the city's
20 notice must list the incomplete items and describe how the
21 application can be made complete.

22 (iii) Cure. After receiving a notice that the application is incomplete,
23 the applicant may cure and address the items that were deemed
24 by the city to be incomplete.

25 (iv) Subsequent submittals. If the applicant submits additional
26 information to address incomplete items, within 15 business
27 days of the subsequent submittal the city will determine in
28 writing whether the additional information remedies all the
29 incomplete items that the city identified in its original notice.
30 The city may not require the application to include an item that
31 was not included in the original notice.

32 (v) Deemed complete. If the city does not make a timely
33 determination as required by this subsection (A), the application
34 or resubmitted application is deemed complete for the purposes
35 of subsection (d)(3)(C) below.

36 (vi) Appeal of incompleteness. An applicant may appeal the city's
37 determination that the application is incomplete by submitting
38 a written appeal to the city clerk. The planning commission will

review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

(B) No discretion or hearing. Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

(C) Deadline to approve or deny ministerial approvals. 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 complete application. If the city has not approved or denied the complete 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 JADU is submitted with a permit application to create a new single-family or multifamily 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-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

(D) Denial. 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)(C) above.

(E) Appeal of denial. An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

(F) Concurrent review of demolition. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

(e) **Classes.**

(1) **Class 1: Statutorily Regulated.** Class 1 ADUs and JADUs are approved under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in subsection (f) below, it is allowed in each of the scenarios

1 provided in this subsection (e)(1). An ADU and JADU approved under
2 subsection (e)(1)(A) may be combined with an ADU approved under
3 subsection (e)(1)(B), and ADUs approved under subsection (e)(1)(C) may be
4 combined with ADUs approved under subsection (e)(1)(D).

5 (A) **Converted on Lot with Single-Family:** One ADU as described in this
6 subsection (e)(1)(A) and one JADU on a lot with a proposed or existing
7 single-family dwelling on it, where the ADU or JADU:

8 (i) Is either: within the space of a proposed single-family dwelling;
9 within the existing space of an existing single-family dwelling; or
10 (in the case of an ADU only) within the existing space of an
11 accessory structure, plus up to 150 additional square feet if the
12 expansion is limited to accommodating ingress and egress; and

13 (ii) Has exterior access that is independent of that for the single-family
14 dwelling; and

15 (iii) Has side and rear setbacks sufficient for fire and safety, as dictated
16 by applicable building and fire codes.

17 (iv) The JADU complies with the requirements of Government Code
18 sections 66333 through 66339.

19 (B) **Limited Detached on Lot with Single-Family:** One detached, new-
20 construction ADU on a lot with a proposed or existing single-family
21 dwelling, if the detached ADU satisfies each of the following limitations:

22 (i) The side- and rear-yard setbacks are at least four feet.

23 (ii) The total floor area is 800 square feet of livable space or smaller.

24 (iii) The peak height above grade does not exceed the applicable height
25 limit in subsection (f)(2) below.

26 (C) **Converted on Lot with Multifamily:** One or more ADUs within portions
27 of existing multifamily dwelling structures that are not used as livable
28 space, including but not limited to storage rooms, boiler rooms,
29 passageways, attics, basements, or garages, if each converted ADU
30 complies with state building standards for dwellings. Under this subsection
31 (e)(1)(C), at least one converted ADU is allowed within an existing
32 multifamily dwelling, up to a quantity equal to 25 percent of the existing
33 multifamily dwelling units.

34 (D) **Limited Detached on Lot with Multifamily:** No more than two detached
35 ADUs on a lot with a proposed multifamily dwelling, or up to eight
36 detached ADUs on a lot with an existing multifamily dwelling, if each
37 detached ADU satisfies all of the following:

- (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
- (ii) The peak height above grade does not exceed the applicable height limit provided in subsection (f)(2) below.
- (iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

(2) Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code sections 66314–66322. Except for Class 1 ADUs approved under subsection (e)(1) above, all ADUs are subject to the standards set forth in subsections (f) and (g) below.

(f) General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections **Error! Reference source not found.** or (e)(2) above:

(1) Zoning.

- (A) An ADU or JADU subject only to a building permit under subsection **Error! Reference source not found.** may be created on a lot in a residential or mixed-use zone.
- (B) An ADU or JADU subject to an ADU permit under subsection (e)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(2) Height.

- (A) Except as otherwise provided by subsections (f)(2)(B) and (f)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 35 feet in height.
- (B) A detached ADU may be up to two stories with a maximum height of 30 feet if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half 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, and the ADU may be up to two additional feet in height (for a maximum of 32 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- 1 (C) A detached ADU created on a lot with an existing or proposed
2 multifamily dwelling that has more than one story above grade
3 may not exceed two stories or 30 feet in height.
- 4 (D) An ADU that is attached to the primary dwelling may not exceed
5 35 feet in height or the height limitation imposed by the
6 underlying zone that applies to the primary dwelling, whichever is
7 lower. Notwithstanding the foregoing, ADUs subject to this
8 subsection (f)(2)(D) may not exceed two stories.
- 9 (E) For purposes of this subsection (f)(2), height is measured above
10 existing legal grade to the peak of the structure.

11 **(3) Fire Sprinklers.**

- 12 (A) Fire sprinklers are required in an ADU if sprinklers are required
13 in the primary residence.
- 14 (B) The construction of an ADU does not trigger a requirement for
15 fire sprinklers to be installed in the existing primary dwelling.

16 **(4) Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30
17 days. This prohibition applies regardless of when the ADU or JADU was created.

18 **(5) No Separate Conveyance.** An ADU or JADU may be rented, but, except as
19 otherwise provided in Government Code Section 65852.26, no ADU or JADU
20 may be sold or otherwise conveyed separately from the lot and the primary
21 dwelling (in the case of a single-family lot) or from the lot and all of the dwellings
22 (in the case of a multifamily lot).

23 **(6) Septic System.** If the ADU or JADU will connect to an onsite wastewater-
24 treatment system, the owner must include with the application a percolation test
25 completed within the last five years or, if the percolation test has been recertified,
26 within the last 10 years.

27 **(7) Owner Occupancy.**

28 (A) **ADUs. ADUs are not subject to an owner-occupancy requirement.**

29 (B) **JADUs.**

30 (i) **Generally. As required by state law, JADUs are generally**
31 **subject to an owner-occupancy requirement. A natural person**
32 **with legal or equitable title to the property must reside on the**
33 **property, in either the primary dwelling or JADU, as the**
34 **person's legal domicile and permanent residence.**

1 (ii) Exceptions. The owner-occupancy requirement in this
2 subsection (f)(7)(B) does not apply in either of the following
3 situations:

4 (I) The JADU has separate sanitation facilities (i.e., does not
5 share sanitation facilities with the existing primary
6 dwelling unit structure).

7 (II) The property is entirely owned by another governmental
8 agency, land trust, or housing organization.

9 (8) **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a
10 deed restriction must be recorded against the title of the property in the County
11 Recorder's office and a copy filed with the Director or designee. The deed
12 restriction must run with the land and bind all future owners. The form of the deed
13 restriction will be provided by the City and must provide that:

14 (A) Except as otherwise provided in Government Code Section
15 65852.26, the ADU or JADU may not be sold separately from the
16 primary dwelling.

17 (B) The ADU or JADU is restricted to the approved size and to other
18 attributes allowed by this section.

19 (C) The deed restriction runs with the land and may be enforced
20 against future property owners.

21 (D) The deed restriction may be removed if the owner eliminates the
22 ADU or JADU, as evidenced by, for example, removal of the
23 kitchen facilities. To remove the deed restriction, an owner may
24 make a written request of the Director, providing evidence that
25 the ADU or JADU has in fact been eliminated. The Director may
26 then determine whether the evidence supports the claim that the
27 ADU or JADU has been eliminated. Appeal may be taken from
28 the Director's determination consistent with other provisions of
29 this Code. If the ADU or JADU is not entirely physically
30 removed, but is only eliminated by virtue of having a necessary
31 component of an ADU or JADU removed, the remaining structure
32 and improvements must otherwise comply with applicable
33 provisions of this Code.

34 (E) The deed restriction is enforceable by the director or his or her
35 designee for the benefit of the City. Failure of the property owner
36 to comply with the deed restriction may result in legal action
37 against the property owner, and the City is authorized to obtain
38 any remedy available to it at law or equity, including, but not
39 limited to, obtaining an injunction enjoining the use of the ADU
40 or JADU in violation of the recorded restrictions or abatement of
41 the illegal unit.

1 **(9) Income Reporting.** In order to facilitate the City’s obligation to identify adequate
2 sites for housing in accordance with Government Code sections 65583.1 and
3 65852.2, the following requirements must be satisfied:

4 (A) With the building-permit application, the applicant must provide
5 the City with an estimate of the projected annualized rent that will
6 be charged for the ADU or JADU.

7 (B) Within 90 days after each yearly anniversary of the issuance of
8 the building permit, the owner must report the actual rent charged
9 for the ADU or JADU during the prior year. If the City does not
10 receive the report within the 90-day period, the owner is in
11 violation of this Code, and the City may send the owner a notice
12 of violation and allow the owner another 30 days to submit the
13 report. If the owner fails to submit the report within the 30-day
14 period, the City may enforce this provision in accordance with
15 applicable law.

16 **(10) Building & Safety.**

17 (A) **Must comply with building code.** Subject to subsection
18 (f)(10)(B) below, all ADUs and JADUs must comply with all
19 local building code requirements.

20 (B) **No change of occupancy.** Construction of an ADU does not
21 constitute a Group R occupancy change under the local building
22 code, as described in Section 310 of the California Building Code,
23 unless the Building Official **or Code Enforcement Division**
24 **officer** makes a written finding based on substantial evidence in
25 the record that the construction of the ADU could have a specific,
26 adverse impact on public health and safety. Nothing in this
27 subsection (f)(10)(B) prevents the City from changing the
28 occupancy code of a space that was uninhabitable space or that
29 was only permitted for nonresidential use and was subsequently
30 converted for residential use in accordance with this section.

31 **(g) Specific ADU Requirements.** The following requirements apply only to ADUs that
32 require an ADU permit under subsection (e)(2) above.

33 **(1) Maximum Size.**

34 (A) The maximum size of a detached or attached ADU subject to this
35 subsection (g) is 850 square feet for a studio or one-bedroom unit
36 and 1,200 square feet for a unit with two or more bedrooms.

37 (B) An attached ADU that is created on a lot with an existing primary
38 dwelling is further limited to 75 percent of the floor area of the
39 existing primary dwelling.

1 (C) Application of other development standards in this subsection (g),
2 such as FAR or lot coverage, might further limit the size of the
3 ADU, but no application of the percent-based size limit in
4 subsection (g)(1)(B) above or of an FAR, front setback, lot
5 coverage limit, or open-space requirement may require the ADU
6 to be less than 800 square feet.

7 (2) **Floor Area Ratio (FAR). No ADU subject to this subsection (g) may cause the**
8 **total FAR of the lot to exceed 45 percent, subject to subsection (g)(1)(C) above.**

9 (3) **Setbacks.**

10 (A) An ADU that is subject to this subsection (g) must conform to a
11 25-foot front-yard setback.

12 (B) ADU that is subject to this subsection (g) must conform to 4-foot
13 side- and rear-yard setbacks.

14 (C) No setback is required for an ADU that is subject to this
15 subsection (g) if the ADU is constructed in the same location and
16 to the same dimensions as an existing structure.

17 (4) **Lot Coverage.** No ADU subject to this subsection (g) may cause the total lot
18 coverage of the lot to exceed ~~55~~50 percent, subject to subsection (g)(1)(C) above.

19 (5) **Minimum Open Space.** No ADU subject to this subsection (g) may cause the
20 total percentage of open space of the lot to fall below ~~30~~50 percent, subject to
21 subsection (g)(1)(C) above.

22 (6) **Passageway.** No passageway, as defined by subsection (c)(9) above, is required
23 for an ADU.

24 (7) **Parking.**

25 (A) Generally. One off-street parking space is required for each ADU.
26 The parking space may be provided in setback areas or as tandem
27 parking, as defined by subsection (c)(12) above. Off-street
28 parking shall be permitted in setback areas or through tandem
29 parking, unless specific findings are made that parking in
30 setback areas or tandem parking is not feasible based on specific
31 site or regional topographical or fire and safety conditions.

32 (B) The required parking space for the ADU must be located on the
33 same lot as the ADU.

34 (C) Access to all required parking for the ADU and primary dwelling
35 must be from a public street, an alley, or a recorded access
36 easement. For any lot served by a panhandle or easement access,
37 the access must be a minimum 20 feet in width.

- 1 (D) Curb cuts providing access from the public right-of-way to on-site
2 parking spaces must be approved by the City Engineer in
3 accordance with established, objective standards. A construction
4 permit from the City Engineer shall be obtained for any new or
5 widened curb cuts.
- 6 (E) Required parking spaces or required maneuvering area must be
7 free of any utility poles, support wires, guard rails, stand pipes or
8 meters.
- 9 (F) All required parking spaces must be kept clear for parking
10 purposes only.
- 11 (G) Exceptions. No parking under subsection (g)(7)(A) is required in
12 the following situations:
 - 13 (i) The ADU is located within one-half mile walking distance of
14 public transit, as defined in subsection (c)(11) above.
 - 15 (ii) The ADU is located within an architecturally and historically
16 significant historic district.
 - 17 (iii) The ADU is part of the proposed or existing primary residence or
18 an accessory structure under subsection (e)(1)(A) above.
 - 19 (iv) When on-street parking permits are required but not offered to the
20 occupant of the ADU.
 - 21 (v) When there is an established car share vehicle stop located within
22 one block of the ADU.
 - 23 (vi) When the permit application to create an ADU is submitted with an
24 application to create a new single-family or new multifamily
25 dwelling on the same lot, provided that the ADU or the lot satisfies
26 any other criteria listed in subsections (g)(7)(G)(i) through (v)
27 above.
- 28 (H) No Replacement. When a garage, carport, or covered parking
29 structure, or uncovered parking space is demolished in
30 conjunction with the construction of an ADU or converted to an
31 ADU, those off-street parking spaces are not required to be
32 replaced.

33 **(8) Architectural Requirements.**

- 34 (A) The materials and colors of the exterior walls, roof, and windows
35 and doors must match the appearance and architectural design of
36 those of the primary dwelling.

- 1 (B) The roof slope must match that of the dominant roof slope of the
- 2 primary dwelling. The dominant roof slope is the slope shared by
- 3 the largest portion of the roof.
- 4 (C) The exterior lighting must be limited to down-lights or as
- 5 otherwise required by the building or fire code.
- 6 (D) The ADU must have an independent exterior entrance, apart from
- 7 that of the primary dwelling.
- 8 (E) The interior horizontal dimensions of an ADU must be at least 10
- 9 feet wide in every direction, with a minimum interior wall height
- 10 of seven feet.
- 11 (F) Windows and doors of the ADU may not have a direct line of
- 12 sight to an adjoining residential property. Fencing, landscaping, or
- 13 privacy glass may be used to provide screening and prevent a
- 14 direct line of sight.
- 15 (G) All windows and doors in an ADU are less than 30 feet from a
- 16 property line that is not a public right-of-way line must either be
- 17 (for windows) clerestory with the bottom of the glass at least six
- 18 feet above the finished floor, or (for windows and for doors)
- 19 utilize frosted or obscure glass.

20 **(9) Landscape Requirements.** Evergreen landscape screening must be planted and

21 maintained between the ADU and adjacent parcels as follows:

- 22 (A) At least one 15-gallon size plant shall be provided for every five
- 23 linear feet of exterior wall. Alternatively, at least one 24" box size
- 24 plant shall be provided for every ten linear feet of exterior wall.
- 25 (B) Plant specimens must be at least six feet tall when installed. As an
- 26 alternative, a solid fence of at least 6 feet in height may be
- 27 installed.
- 28 (C) All landscaping must be drought-tolerant.
- 29 (D) All landscaping must be from the City's approved plant list.

30 **(10) Historical Protections.** An ADU that is on or within 600 feet of real property that

31 is listed in the California Register of Historic Resources must be located so as to

32 not be visible from any public right-of-way.

33 **(h) Fees. The following requirements apply to all ADUs that are approved under**

34 **subsections Error! Reference source not found. or (e)(2) above.**

35 **(1) Impact Fees.**

- 1 (A) No impact fee is required for an ADU that is less than 750 square
2 feet in size. For purposes of this subsection (h)(1), “impact fee”
3 means a “fee” under the Mitigation Fee Act (Gov. Code
4 § 66000(b)) and a fee under the Quimby Act (Gov. Code
5 § 66477). “Impact fee” here does not include any connection fee
6 or capacity charge for water or sewer service.
- 7 (B) **A JADU or ADU with less than 500 square feet of interior**
8 **livable space does not increase assessable space by 500 square**
9 **feet for purposes of Education Code section 17620(a)(1)(C),**
10 **and is therefore not subject to school fees under Education**
11 **Code section 17620.**
- 12 (C) Any impact fee that is required for an ADU that is 750 square feet
13 or larger in size must be charged proportionately in relation to the
14 square footage of the primary dwelling unit. (E.g., the floor area
15 of the ADU, divided by the floor area of the primary dwelling,
16 times the typical fee amount charged for a new dwelling.)

17 **(2) Utility Fees.**

- 18 (A) If an ADU is constructed with a new single-family home, a
19 separate utility connection directly between the ADU and the
20 utility and payment of the normal connection fee and capacity
21 charge for a new dwelling are required.
- 22 (B) Except as described in subsection (h)(2)(A), converted ADUs on a
23 single-family lot that are created under subsection (e)(1)(A) above
24 are not required to have a new or separate utility connection
25 directly between the ADU and the utility. Nor is a connection fee
26 or capacity charge required.
- 27 (C) Except as described in subsection (h)(2)(A), all ADUs that are not covered
28 by subsection (h)(2)(B) require a new, separate utility connection directly
29 between the ADU and the utility **for any utility that is provided by the**
30 **city. All utilities that are not provided by the city are subject to the**
31 **connection and fee requirements of the utility provider.**
- 32 (i) The connection is subject to a connection fee or capacity
33 charge that is proportionate to the burden created by the
34 ADU based on either the floor area or the number of
35 drainage-fixture units (DFU) values, as defined by the
36 Uniform Plumbing Code, upon the water or sewer system.
- 37 (ii) The portion of the fee or charge that is charged by the City
38 may not exceed the reasonable cost of providing this
39 service.

1 (i) **Nonconforming Zoning Code Conditions, Building Code Violations, and**
2 **Unpermitted Structures.**

3 (1) **Generally.** The City will not deny an ADU or JADU application due to a
4 nonconforming zoning condition, building code violation, or unpermitted
5 structure on the lot that does not present a threat to the public health and safety
6 and that is not affected by the construction of the ADU or JADU.

7 (2) **Unpermitted ADUs and JADUs constructed before 2020.**

8 (A) **Permit to Legalize.** As required by state law, the City may not
9 deny a permit to legalize an existing but unpermitted ADU or
10 JADU that was constructed before January 1, 2020, if denial is
11 based on either of the following grounds:

- 12 (i) The ADU or JADU violates applicable building standards, or
13 (ii) The ADU or JADU does not comply with the state ADU or JADU
14 law (Government Code section 65852.2) or this ADU ordinance
15 (section 18.48.150).

16 (B) **Exceptions:**

- 17 (i) Notwithstanding subsection (i)(2)(A) above, the City may deny a
18 permit to legalize an existing but unpermitted ADU or JADU that
19 was constructed before January 1, 2020, if the City makes a
20 finding that correcting a violation is necessary to comply with
21 standards specified in California Health and Safety Code section
22 17920.3.
23 (ii) Subsection (i)(2)(A) above does not apply to a building that is
24 deemed to be substandard in accordance with California Health
25 and Safety Code section 17920.3.

26 ~~(j) **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that~~
27 ~~does not conform to the objective standards set forth in subsections (a) through (i) of this~~
28 ~~section may be allowed by the City with a conditional use permit, in accordance with the~~
29 ~~other provisions of this title.~~

31 **SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, paragraph,
32 sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be
33 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision
34 shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part
35 thereof. The City Council hereby declares that it would have passed each section, subsection,
36 subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1)
37 or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared
38 unconstitutional, or invalid, or ineffective.

39 **SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT**
40

1 **FINDING.** The City Council Finds that under California Public Resources Code section
2 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the
3 adoption of an ordinance by a city or county implementing the provisions of section
4 65852.2 of the Government Code, which is California’s ADU law and which also regulates
5 JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily
6 exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

7
8 **SECTION 5. EFFECTIVE DATE.** This ordinance shall go into effect and be in
9 full force and operation from and after thirty (30) days after its final passage and adoption.

10
11 **SECTION 6. PUBLICATION.** The City Clerk shall certify to the adoption of this
12 ordinance. Not later than fifteen (15) days following the passage of this ordinance, the
13 ordinance, or a summary thereof, along with the names of the City Council members voting
14 for and against the ordinance, shall be published in a newspaper of general circulation in
15 the City of Colton.

16
17 **SECTION 7. FILING.** The City Clerk shall submit a copy of this ordinance to
18 the Department of Housing and Community Development within 60 days after adoption.
19 The City Clerk shall also submit a Notice of Exemption within three days after adoption.

20
21 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
22 Colton, California, at a regular meeting of the City Council held on the ___ day of _____,
23 2026 by the following vote:

24
25
26
27 _____
28 FRANK J. NAVARRO, Mayor
29
30
31

32
33
34
35 **ATTEST:**

36 _____
37 ISAAC T. SUCHIL, City Clerk
38

Draft Planning Commission Resolution R-02-26 with Exhibit A- Draft ADU Ordinance (clean)

Attachment 2

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RESOLUTION NO. R-02-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 18, SECTION 18.48.150 OF THE COLTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ADOPTION OF THE ORDINANCE TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17 (FILE INDEX NO. DAP25-0047)

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, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of 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 2025, the California Legislature approved, and the Governor signed into law, Assembly Bill 462 (“AB 462”), Assembly Bill 1154 (“AB 1154”), Senate Bill 9 (“SB 9”), and Senate Bill 543 (“SB 543”), which further amend state ADU law; and

WHEREAS, AB 462, AB 1154, SB 9, and SB 543 are in effect, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 462, AB 1154, SB 9, and SB 543; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 462, AB 1154, SB 9, and SB 543’s changes to state law; and

WHEREAS, on January 13, 2026, the Planning Commission held a duly-noticed public hearing to consider the attached Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COLTON DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, 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 proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

1 **Exhibit-A**

2
3 **ORDINANCE NO. O-XX-26**

4 **AN ORDINANCE AMENDING TITLE 18, SECTION 18.48.150 OF THE COLTON**
5 **MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR**
6 **ACCESSORY DWELLING UNITS AND DETERMINING THE ADOPTION OF THE**
7 **ORDINANCE TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC**
8 **RESOURCES CODE § 21080.17 (FILE INDEX NO. DAP25-0047)**
9

10 **WHEREAS**, the City Council of the City of Colton desires to amend certain provisions of
11 the Colton Zoning Code to ensure consistency with state law; and
12

13 **WHEREAS**, state law authorizes cities to act by ordinance to provide for the
14 creation and regulation of accessory dwelling units (“ADUs”) and junior accessory
15 dwelling units (“JADUs”); and
16

17 **WHEREAS**, in recent years, the California Legislature has approved, and the
18 Governor has signed into law, numerous bills that, among other things, amend various
19 sections of the Government Code to impose new limits on local authority to regulate ADUs
20 and JADUs; and
21

22 **WHEREAS**, in 2025, the California Legislature approved, and the Governor
23 signed into law, Assembly Bill 462 (“AB 462”), Assembly Bill 1154 (“AB 1154”), Senate
24 Bill 9 (“SB 9”), and Senate Bill 543 (“SB 543”), which further amend state ADU law; and

25 **WHEREAS**, AB 462, AB 1154, SB 9, and SB 543 are in effect, and for the City’s
26 ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 462,
27 AB 1154, SB 9, and SB 543; and

28 **WHEREAS**, the City desires to amend its local regulatory scheme for the
29 construction of ADUs and JADUs to reflect AB 462, AB 1154, SB 9, and SB 543’s changes
30 to state law; and

31 **WHEREAS**, on January 13, 2026, the Planning Commission held a duly-noticed
32 public hearing and considered the staff report, recommendations by staff, and public
33 testimony concerning this proposed Ordinance. Following the public hearing, the Planning
34 Commission voted to forward the Ordinance to the City Council with a recommendation
35 in favor of its adoption; and

36 **WHEREAS**, on January 20, 2026, the City Council held a duly-noticed public
37 hearing to consider the Ordinance, including: (1) the public testimony and agenda reports
38 prepared in connection with the Ordinance, (2) the policy considerations discussed therein,
39 and (3) the consideration and recommendation by the City’s Planning Commission; and

40 **WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred.
41

1 **NOW, THEREFORE**, the City Council of the City of Colton does ordain as
2 follows:

3 **SECTION 1. Incorporation.** The recitals above are each incorporated by reference
4 and adopted as findings by the City Council.

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

11 **SECTION 3. General Plan.** The City Council hereby finds that the adoption of the
12 Ordinance is consistent with the General Plan as a matter of law under Government Code
13 section 66314(c).

14 **SECTION 4. Code Amendment.** Section 18.48.150 – ACCESSORY DWELLING
15 UNITS of the Colton Municipal Code is hereby amended and restated to read in its entirety
16 as provided in Exhibit “A-1,” attached hereto and incorporated herein by reference.

17 **SECTION 5. Effective Date.** This Ordinance takes effect 30 days after its adoption.

18 **SECTION 6. HCD Submittal.** In accordance with Government Code section
19 66326, the City Clerk is directed to submit a copy of this Ordinance to the California
20 Department of Housing and Community Development within 60 days after adoption.

21 **SECTION 7. Publication.** The City Clerk is directed to certify to the adoption of
22 this Ordinance and post or publish this Ordinance as required by law.

23 **SECTION 8. Custodian of Records.** The custodian of records for this Ordinance is
24 the City Clerk and the records comprising the administrative record are located at 650 N.
25 La Cadena Drive, Colton, CA 92324.

26 **SECTION 9. Severability.** If any provision of this Ordinance or its application to
27 any person or circumstance is held to be invalid by a court of competent jurisdiction, such
28 invalidity has no effect on the other provisions or applications of the Ordinance that can be
29 given effect without the invalid provision or application, and to this extent, the provisions
30 of this Ordinance are severable. The City Council declares that it would have adopted this
31 Ordinance irrespective of the invalidity of any portion thereof.

Exhibit "A-1"

SECTION 18.48.150 – ACCESSORY DWELLING UNITS

Section 18.48.150 - Accessory Dwelling Units

(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 California Government Code sections 65852.2 and 65852.22.

(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 and zoning designation for the lot on which the ADU or JADU is located.

(2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(3) Considered in the application of any local 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” or “ADU” means 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” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

(4) “Efficiency kitchen” means a kitchen that includes all of the following:

- 1 (A) A cooking facility with appliances.
- 2 (B) A food preparation counter and storage cabinets that are of a
3 reasonable size in relation to the size of the JADU.
- 4 (5) “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies
5 all of the following:
- 6 (A) It is no more than 500 square feet of interior livable space in size.
- 7 (B) It is contained entirely within an existing or proposed single-
8 family structure. An enclosed use within the residence, such as an
9 attached garage, is considered to be a part of and contained within
10 the single-family structure.
- 11 (C) It includes its own separate sanitation facilities or shares
12 sanitation facilities with the existing or proposed single-family
13 structure.
- 14 (D) If the unit does not include its own separate bathroom, then it
15 contains an interior entrance to the main living area of the existing
16 or proposed single-family structure in addition to an exterior
17 entrance that is separate from the main entrance to the primary
18 dwelling.
- 19 (E) It includes an efficiency kitchen, as defined in subsection (c)(4)
20 above.
- 21 (6) “Livable space” means a space in a dwelling intended for human habitation,
22 including living, sleeping, eating, cooking, or sanitation.
- 23 (7) “Living area” means the interior habitable area of a dwelling unit, including
24 basements and attics, but does not include a garage or any accessory structure.
- 25 (8) “Nonconforming zoning condition” means a physical improvement on a property
26 that does not conform with current zoning standards.
- 27 (9) “Passageway” means a pathway that is unobstructed clear to the sky and extends
28 from a street to one entrance of the ADU or JADU.
- 29 (10) “Proposed dwelling” means a dwelling that is the subject of a permit application
30 and that meets the requirements for permitting.
- 31 (11) “Public transit” means a location, including, but not limited to, a bus stop or train
32 station, where the public may access buses, trains, subways, and other forms of
33 transportation that charge set fares, run on fixed routes, and are available to the
34 public.

1 (12) “Tandem parking” means that two or more automobiles are parked on a driveway
2 or in any other location on a lot, lined up behind one another.

3 (d) **Approvals.** The following approvals apply to ADUs and JADUs under this section:

4 (1) Ministerial ADU and Building Permits Required. Every ADU and JADU requires
5 an ADU permit and a building permit. The city will review and approve permit
6 applications in accordance with subsection (d)(3) below.

7 (2) Processing Fee. The city may charge a fee to reimburse it for costs incurred in
8 processing ADU permits, including the costs of adopting or amending the city’s
9 ADU ordinance. The ADU-permit processing fee is determined by the
10 Development Services Director and approved by the city council by resolution.

11 (3) **Process and Timing.**

12 (A) Completeness.

13 (i) Determination in 15 days. The city will determine whether an
14 application to create or serve an ADU or JADU is complete and will
15 provide written notice of the determination to the applicant within
16 15 business days after the city receives the application submittal.

17 (ii) Incomplete items. If the city’s determination under subsection
18 (d)(3)(A)(i) above is that the application is incomplete, the city’s
19 notice must list the incomplete items and describe how the
20 application can be made complete.

21 (iii) Cure. After receiving a notice that the application is incomplete, the
22 applicant may cure and address the items that were deemed by the
23 city to be incomplete.

24 (iv) Subsequent submittals. If the applicant submits additional
25 information to address incomplete items, within 15 business days of
26 the subsequent submittal the city will determine in writing whether
27 the additional information remedies all the incomplete items that the
28 city identified in its original notice. The city may not require the
29 application to include an item that was not included in the original
30 notice.

31 (v) Deemed complete. If the city does not make a timely determination
32 as required by this subsection (A), the application or resubmitted
33 application is deemed complete for the purposes of subsection
34 (d)(3)(C) below.

35 (vi) Appeal of incompleteness. An applicant may appeal the city’s
36 determination that the application is incomplete by submitting a
37 written appeal to the city clerk. The planning commission will
38 review the written appeal and affirm or reverse the completeness

determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

(B) No discretion or hearing. Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

(C) Deadline to approve or deny ministerial approvals. 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 complete application. If the city has not approved or denied the complete 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 JADU is submitted with a permit application to create a new single-family or multifamily 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-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

(D) Denial. 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)(C) above.

(E) Appeal of denial. An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

(F) Concurrent review of demolition. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

(e) **Classes.**

(1) **Class 1: Statutorily Regulated.** Class 1 ADUs and JADUs are approved under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in subsection (f) below, it is allowed in each of the scenarios provided in this subsection (e)(1). An ADU and JADU approved under subsection (e)(1)(A) may be combined with an ADU approved under subsection (e)(1)(B), and ADUs approved under subsection (e)(1)(C) may be combined with ADUs approved under subsection (e)(1)(D).

1 (A) **Converted on Lot with Single-Family:** One ADU as described in this
2 subsection (e)(1)(A) and one JADU on a lot with a proposed or existing
3 single-family dwelling on it, where the ADU or JADU:

4 (i) Is either: within the space of a proposed single-family dwelling;
5 within the existing space of an existing single-family dwelling; or
6 (in the case of an ADU only) within the existing space of an
7 accessory structure, plus up to 150 additional square feet if the
8 expansion is limited to accommodating ingress and egress; and

9 (ii) Has exterior access that is independent of that for the single-family
10 dwelling; and

11 (iii) Has side and rear setbacks sufficient for fire and safety, as dictated
12 by applicable building and fire codes.

13 (iv) The JADU complies with the requirements of Government Code
14 sections 66333 through 66339.

15 (B) **Limited Detached on Lot with Single-Family:** One detached, new-
16 construction ADU on a lot with a proposed or existing single-family
17 dwelling, if the detached ADU satisfies each of the following limitations:

18 (i) The side- and rear-yard setbacks are at least four feet.

19 (ii) The total floor area is 800 square feet of livable space or smaller.

20 (iii) The peak height above grade does not exceed the applicable height
21 limit in subsection (f)(2) below.

22 (C) **Converted on Lot with Multifamily:** One or more ADUs within portions
23 of existing multifamily dwelling structures that are not used as livable
24 space, including but not limited to storage rooms, boiler rooms,
25 passageways, attics, basements, or garages, if each converted ADU
26 complies with state building standards for dwellings. Under this subsection
27 (e)(1)(C), at least one converted ADU is allowed within an existing
28 multifamily dwelling, up to a quantity equal to 25 percent of the existing
29 multifamily dwelling units.

30 (D) **Limited Detached on Lot with Multifamily:** No more than two detached
31 ADUs on a lot with a proposed multifamily dwelling, or up to eight
32 detached ADUs on a lot with an existing multifamily dwelling, if each
33 detached ADU satisfies all of the following:

34 (i) The side- and rear-yard setbacks are at least four feet. If the existing
35 multifamily dwelling has a rear or side yard setback of less than four
36 feet, the city will not require any modification to the multifamily
37 dwelling as a condition of approving the ADU.

1 (ii) The peak height above grade does not exceed the applicable height
2 limit provided in subsection (f)(2) below.

3 (iii) If the lot has an existing multifamily dwelling, the quantity of
4 detached ADUs does not exceed the number of primary dwelling
5 units on the lot.

6 (2) **Class 2: Locally Regulated.** Class 2 ADUs are approved under Government Code
7 sections 66314–66322. Except for Class 1 ADUs approved under subsection (e)(1)
8 above, all ADUs are subject to the standards set forth in subsections (f) and (g)
9 below.

10 (f) **General ADU and JADU Requirements.** The following requirements apply to all
11 ADUs and JADUs that are approved under subsections **Error! Reference source not**
12 **found.** or (e)(2) above:

13 (1) **Zoning.**

14 (A) An ADU or JADU subject only to a building permit under
15 subsection **Error! Reference source not found.** may be created
16 on a lot in a residential or mixed-use zone.

17 (B) An ADU or JADU subject to an ADU permit under subsection
18 (e)(2) above may be created on a lot that is zoned to allow single-
19 family dwelling residential use or multifamily dwelling residential
20 use.

21 (2) **Height.**

22 (A) Except as otherwise provided by subsections (f)(2)(B) and
23 (f)(2)(C) below, a detached ADU created on a lot with an existing
24 or proposed single family or multifamily dwelling unit may not
25 exceed 35 feet in height.

26 (B) A detached ADU may be up to two stories with a maximum height
27 of 30 feet if it is created on a lot with an existing or proposed single
28 family or multifamily dwelling unit that is located within one-half
29 mile walking distance of a major transit stop or a high quality
30 transit corridor, as those terms are defined in Section 21155 of the
31 Public Resources Code, and the ADU may be up to two additional
32 feet in height (for a maximum of 32 feet) if necessary to
33 accommodate a roof pitch on the ADU that is aligned with the roof
34 pitch of the primary dwelling unit.

35 (C) A detached ADU created on a lot with an existing or proposed
36 multifamily dwelling that has more than one story above grade
37 may not exceed two stories or 30 feet in height.

- 1 (D) An ADU that is attached to the primary dwelling may not exceed
2 35 feet in height or the height limitation imposed by the
3 underlying zone that applies to the primary dwelling, whichever is
4 lower. Notwithstanding the foregoing, ADUs subject to this
5 subsection (f)(2)(D) may not exceed two stories.
- 6 (E) For purposes of this subsection (f)(2), height is measured above
7 existing legal grade to the peak of the structure.
- 8 **(3) Fire Sprinklers.**
- 9 (A) Fire sprinklers are required in an ADU if sprinklers are required
10 in the primary residence.
- 11 (B) The construction of an ADU does not trigger a requirement for
12 fire sprinklers to be installed in the existing primary dwelling.
- 13 **(4) Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30
14 days. This prohibition applies regardless of when the ADU or JADU was created.
- 15 **(5) No Separate Conveyance.** An ADU or JADU may be rented, but, except as
16 otherwise provided in Government Code Section 65852.26, no ADU or JADU
17 may be sold or otherwise conveyed separately from the lot and the primary
18 dwelling (in the case of a single-family lot) or from the lot and all of the dwellings
19 (in the case of a multifamily lot).
- 20 **(6) Septic System.** If the ADU or JADU will connect to an onsite wastewater-
21 treatment system, the owner must include with the application a percolation test
22 completed within the last five years or, if the percolation test has been recertified,
23 within the last 10 years.
- 24 **(7) Owner Occupancy.**
- 25 (A) ADUs. ADUs are not subject to an owner-occupancy requirement.
- 26 (B) JADUs.
- 27 (i) Generally. As required by state law, JADUs are generally subject to
28 an owner-occupancy requirement. A natural person with legal or
29 equitable title to the property must reside on the property, in either
30 the primary dwelling or JADU, as the person's legal domicile and
31 permanent residence.
- 32 (ii) Exceptions. The owner-occupancy requirement in this subsection
33 (f)(7)(B) does not apply in either of the following situations:
- 34 (I) The JADU has separate sanitation facilities (i.e., does not
35 share sanitation facilities with the existing primary dwelling
36 unit structure).

(II) The property is entirely owned by another governmental agency, land trust, or housing organization.

(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 County Recorder's office and a copy filed with the Director or designee. 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 65852.26, 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 Code. 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 Code.

(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.

(9) **Income Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 65852.2, the following requirements must be satisfied:

(A) With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

1 (B) Within 90 days after each yearly anniversary of the issuance of
2 the building permit, the owner must report the actual rent charged
3 for the ADU or JADU during the prior year. If the City does not
4 receive the report within the 90-day period, the owner is in
5 violation of this Code, and the City may send the owner a notice
6 of violation and allow the owner another 30 days to submit the
7 report. If the owner fails to submit the report within the 30-day
8 period, the City may enforce this provision in accordance with
9 applicable law.

10 **(10) Building & Safety.**

11 (A) **Must comply with building code.** Subject to subsection
12 (f)(10)(B) below, all ADUs and JADUs must comply with all
13 local building code requirements.

14 (B) **No change of occupancy.** Construction of an ADU does not
15 constitute a Group R occupancy change under the local building
16 code, as described in Section 310 of the California Building Code,
17 unless the Building Official or Code Enforcement Division officer
18 makes a written finding based on substantial evidence in the
19 record that the construction of the ADU could have a specific,
20 adverse impact on public health and safety. Nothing in this
21 subsection (f)(10)(B) prevents the City from changing the
22 occupancy code of a space that was uninhabitable space or that
23 was only permitted for nonresidential use and was subsequently
24 converted for residential use in accordance with this section.

25 (g) **Specific ADU Requirements.** The following requirements apply only to ADUs that
26 require an ADU permit under subsection (e)(2) above.

27 **(1) Maximum Size.**

28 (A) The maximum size of a detached or attached ADU subject to this
29 subsection (g) is 850 square feet for a studio or one-bedroom unit
30 and 1,200 square feet for a unit with two or more bedrooms.

31 (B) An attached ADU that is created on a lot with an existing primary
32 dwelling is further limited to 75 percent of the floor area of the
33 existing primary dwelling.

34 (C) Application of other development standards in this subsection (g),
35 such as FAR or lot coverage, might further limit the size of the
36 ADU, but no application of the percent-based size limit in
37 subsection (g)(1)(B) above or of an FAR, front setback, lot
38 coverage limit, or open-space requirement may require the ADU
39 to be less than 800 square feet.

1 (2) Floor Area Ratio (FAR). No ADU subject to this subsection (g) may cause the total
2 FAR of the lot to exceed 45 percent, subject to subsection (g)(1)(C) above.

3 (3) **Setbacks.**

4 (A) An ADU that is subject to this subsection (g) must conform to a
5 25-foot front-yard setback.

6 (B) ADU that is subject to this subsection (g) must conform to 4-foot
7 side- and rear-yard setbacks.

8 (C) No setback is required for an ADU that is subject to this
9 subsection (g) if the ADU is constructed in the same location and
10 to the same dimensions as an existing structure.

11 (4) **Lot Coverage.** No ADU subject to this subsection (g) may cause the total lot
12 coverage of the lot to exceed 50 percent, subject to subsection (g)(1)(C) above.

13 (5) **Minimum Open Space.** No ADU subject to this subsection (g) may cause the
14 total percentage of open space of the lot to fall below 50 percent, subject to
15 subsection (g)(1)(C) above.

16 (6) **Passageway.** No passageway, as defined by subsection (c)(9) above, is required
17 for an ADU.

18 (7) **Parking.**

19 (A) Generally. One off-street parking space is required for each ADU.
20 The parking space may be provided in setback areas or as tandem
21 parking, as defined by subsection (c)(12) above. Off-street
22 parking shall be permitted in setback areas or through tandem
23 parking, unless specific findings are made that parking in
24 setback areas or tandem parking is not feasible based on specific
25 site or regional topographical or fire and safety conditions.

26 (B) The required parking space for the ADU must be located on the
27 same lot as the ADU.

28 (C) Access to all required parking for the ADU and primary dwelling
29 must be from a public street, an alley, or a recorded access
30 easement. For any lot served by a panhandle or easement access,
31 the access must be a minimum 20 feet in width.

32 (D) Curb cuts providing access from the public right-of-way to on-site
33 parking spaces must be approved by the City Engineer in
34 accordance with established, objective standards. A construction
35 permit from the City Engineer shall be obtained for any new or
36 widened curb cuts.

- 1 (E) Required parking spaces or required maneuvering area must be
2 free of any utility poles, support wires, guard rails, stand pipes or
3 meters.
- 4 (F) All required parking spaces must be kept clear for parking
5 purposes only.
- 6 (G) Exceptions. No parking under subsection (g)(7)(A) is required in
7 the following situations:
- 8 (i) The ADU is located within one-half mile walking distance of
9 public transit, as defined in subsection (c)(11) above.
- 10 (ii) The ADU is located within an architecturally and historically
11 significant historic district.
- 12 (iii) The ADU is part of the proposed or existing primary residence or
13 an accessory structure under subsection (e)(1)(A) above.
- 14 (iv) When on-street parking permits are required but not offered to the
15 occupant of the ADU.
- 16 (v) When there is an established car share vehicle stop located within
17 one block of the ADU.
- 18 (vi) When the permit application to create an ADU is submitted with an
19 application to create a new single-family or new multifamily
20 dwelling on the same lot, provided that the ADU or the lot satisfies
21 any other criteria listed in subsections (g)(7)(G)(i) through (v)
22 above.
- 23 (H) No Replacement. When a garage, carport, or covered parking
24 structure, or uncovered parking space is demolished in
25 conjunction with the construction of an ADU or converted to an
26 ADU, those off-street parking spaces are not required to be
27 replaced.

28 **(8) Architectural Requirements.**

- 29 (A) The materials and colors of the exterior walls, roof, and windows
30 and doors must match the appearance and architectural design of
31 those of the primary dwelling.
- 32 (B) The roof slope must match that of the dominant roof slope of the
33 primary dwelling. The dominant roof slope is the slope shared by
34 the largest portion of the roof.
- 35 (C) The exterior lighting must be limited to down-lights or as
36 otherwise required by the building or fire code.

- 1 (D) The ADU must have an independent exterior entrance, apart from
2 that of the primary dwelling.
- 3 (E) The interior horizontal dimensions of an ADU must be at least 10
4 feet wide in every direction, with a minimum interior wall height
5 of seven feet.
- 6 (F) Windows and doors of the ADU may not have a direct line of
7 sight to an adjoining residential property. Fencing, landscaping, or
8 privacy glass may be used to provide screening and prevent a
9 direct line of sight.
- 10 (G) All windows and doors in an ADU are less than 30 feet from a
11 property line that is not a public right-of-way line must either be
12 (for windows) clerestory with the bottom of the glass at least six
13 feet above the finished floor, or (for windows and for doors)
14 utilize frosted or obscure glass.

15 **(9) Landscape Requirements.** Evergreen landscape screening must be planted and
16 maintained between the ADU and adjacent parcels as follows:

- 17 (A) At least one 15-gallon size plant shall be provided for every five
18 linear feet of exterior wall. Alternatively, at least one 24” box size
19 plant shall be provided for every ten linear feet of exterior wall.
- 20 (B) Plant specimens must be at least six feet tall when installed. As an
21 alternative, a solid fence of at least 6 feet in height may be
22 installed.
- 23 (C) All landscaping must be drought-tolerant.
- 24 (D) All landscaping must be from the City’s approved plant list.

25 **(10) Historical Protections.** An ADU that is on or within 600 feet of real property that
26 is listed in the California Register of Historic Resources must be located so as to
27 not be visible from any public right-of-way.

28 **(h) Fees. The following requirements apply to all ADUs that are approved under**
29 **subsections Error! Reference source not found. or (e)(2) above.**

30 **(1) Impact Fees.**

- 31 (A) No impact fee is required for an ADU that is less than 750 square
32 feet in size. For purposes of this subsection (h)(1), “impact fee”
33 means a “fee” under the Mitigation Fee Act (Gov. Code
34 § 66000(b)) and a fee under the Quimby Act (Gov. Code
35 § 66477). “Impact fee” here does not include any connection fee
36 or capacity charge for water or sewer service.

1 (B) A JADU or ADU with less than 500 square feet of interior livable
2 space does not increase assessable space by 500 square feet for
3 purposes of Education Code section 17620(a)(1)(C), and is
4 therefore not subject to school fees under Education Code section
5 17620.

6 (C) Any impact fee that is required for an ADU that is 750 square feet
7 or larger in size must be charged proportionately in relation to the
8 square footage of the primary dwelling unit. (E.g., the floor area
9 of the ADU, divided by the floor area of the primary dwelling,
10 times the typical fee amount charged for a new dwelling.)

11 **(2) Utility Fees.**

12 (A) If an ADU is constructed with a new single-family home, a
13 separate utility connection directly between the ADU and the
14 utility and payment of the normal connection fee and capacity
15 charge for a new dwelling are required.

16 (B) Except as described in subsection (h)(2)(A), converted ADUs on a
17 single-family lot that are created under subsection (e)(1)(A) above
18 are not required to have a new or separate utility connection
19 directly between the ADU and the utility. Nor is a connection fee
20 or capacity charge required.

21 (C) Except as described in subsection (h)(2)(A), all ADUs that are not covered
22 by subsection (h)(2)(B) require a new, separate utility connection directly
23 between the ADU and the utility for any utility that is provided by the city.
24 All utilities that are not provided by the city are subject to the connection
25 and fee requirements of the utility provider.

26 (i) The connection is subject to a connection fee or capacity
27 charge that is proportionate to the burden created by the
28 ADU based on either the floor area or the number of
29 drainage-fixture units (DFU) values, as defined by the
30 Uniform Plumbing Code, upon the water or sewer system.

31 (ii) The portion of the fee or charge that is charged by the City
32 may not exceed the reasonable cost of providing this
33 service.

34 **(i) Nonconforming Zoning Code Conditions, Building Code Violations, and**
35 **Unpermitted Structures.**

36 **(1) Generally.** The City will not deny an ADU or JADU application due to a
37 nonconforming zoning condition, building code violation, or unpermitted
38 structure on the lot that does not present a threat to the public health and safety
39 and that is not affected by the construction of the ADU or JADU.

1 **(2) Unpermitted ADUs and JADUs constructed before 2020.**

2 **(A) Permit to Legalize.** As required by state law, the City may not
3 deny a permit to legalize an existing but unpermitted ADU or
4 JADU that was constructed before January 1, 2020, if denial is
5 based on either of the following grounds:

- 6 (i) The ADU or JADU violates applicable building standards, or
7 (ii) The ADU or JADU does not comply with the state ADU or JADU
8 law (Government Code section 65852.2) or this ADU ordinance
9 (section 18.48.150).

10 **(B) Exceptions:**

- 11 (i) Notwithstanding subsection (i)(2)(A) above, the City may deny a
12 permit to legalize an existing but unpermitted ADU or JADU that
13 was constructed before January 1, 2020, if the City makes a
14 finding that correcting a violation is necessary to comply with
15 standards specified in California Health and Safety Code section
16 17920.3.
17 (ii) Subsection (i)(2)(A) above does not apply to a building that is
18 deemed to be substandard in accordance with California Health
19 and Safety Code section 17920.3.

20 **SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, paragraph,
21 sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be
22 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision
23 shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part
24 thereof. The City Council hereby declares that it would have passed each section, subsection,
25 subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1)
26 or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared
27 unconstitutional, or invalid, or ineffective.
28

29 **SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT**
30 **FINDING.** The City Council Finds that under California Public Resources Code section
31 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the
32 adoption of an ordinance by a city or county implementing the provisions of section
33 65852.2 of the Government Code, which is California’s ADU law and which also regulates
34 JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily
35 exempt from CEQA in that the proposed ordinance implements the State’s ADU law.
36

37 **SECTION 5. EFFECTIVE DATE.** This ordinance shall go into effect and be in
38 full force and operation from and after thirty (30) days after its final passage and adoption.
39

40 **SECTION 6. PUBLICATION.** The City Clerk shall certify to the adoption of this
41 ordinance. Not later than fifteen (15) days following the passage of this ordinance, the
42 ordinance, or a summary thereof, along with the names of the City Council members voting

1 for and against the ordinance, shall be published in a newspaper of general circulation in
2 the City of Colton.

3
4 **SECTION 7. FILING.** The City Clerk shall submit a copy of this ordinance to
5 the Department of Housing and Community Development within 60 days after adoption.
6 The City Clerk shall also submit a Notice of Exemption within three days after adoption.

7
8 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
9 Colton, California, at a regular meeting of the City Council held on the ___ day of _____,
10 2026 by the following vote:

11
12
13
14 FRANK J. NAVARRO, Mayor

15
16
17
18
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20
21
22 **ATTEST:**

23
24 ISAAC T. SUCHIL, City Clerk