



Item: 3.

Staff Report

Meeting Date: February 3, 2026

To: City Council

From: Bill Smith, City Manager

Prepared By: Heidi Duron, Director

Item Name: Urgency Ordinance Updating ADU and Jr. ADU Ordinance - Waive Full Reading, Read by Title Only, and Adopt an Urgency Ordinance Entitled: Ordinance No. O-01-26. "An Urgency Ordinance of the City Council of the City of Colton Amending Various Provisions of Title 18, Section 18.48.150 of the City of Colton Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply with Recent Changes in State Law, and Finding the Action to be Statutorily Exempt from California Environmental Quality Act (CEQA) Under Public Resources Code § 21080.17," Ordinance No. O-01-26.

Recommended Action:

Staff recommends that the City Council:

A. Find that the adoption of the proposed urgency ordinance is statutorily exempt from review under the California Environmental Quality Act (CEQA) under Public Resources Code § 21080.17.

B. Waive full reading and adopt by title only an urgency ordinance entitled: Ordinance No. O-01-26. "An Urgency Ordinance of the City Council of the City of Colton amending various provisions of Title 18, Section 18.48.150 of the City of Colton Municipal Code relating to accessory dwelling units and junior accessory dwelling units to comply with recent changes in state law, and finding the action to be statutorily exempt from California Environmental Quality Act (CEQA) under Public Resources Code § 21080.17."

Background:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that impose new limits on local authority to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The last amendment to the City's ADU Ordinance that addresses both ADUs and Jr. ADUs was adopted on February 4, 2025, to address legislative changes made in 2024. In late 2025, the following four new bills were enacted that further amend state ADU law:

- AB 462 was adopted by the state as an Urgency Measure (Details discussed in the Issues / Analysis Section of this staff report).
- AB 1154 – JADU Owner-Occupancy; Short-Term Rental
- SB 9; SB 543 – ADU Ordinance Submittal to HCD upon City Approval
- SB 543 – ADU Size limitations; Number of ADUs/types; Impact Fees; Permitting Timeline

The proposed urgency ordinance will amend Title 18 (Zoning Code), Section 18.48.150 of the Colton Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Except as otherwise noted, these new laws took effect on January 1, 2026.

Summary details of the bills are included in the Issues/Analysis Section of this staff report and explanation for the need of the Urgency Ordinance and provide a description of the Environmental Determination for this ADU Ordinance Update.

Issues/Analysis:

NEW LEGISLATION:

AB 462 modifies several permitting requirements associated with processing Coastal Development Permits for ADUs located in the Coastal Zone which do not affect Colton. However, there are other areas of the bill that do affect Colton.

Beyond changes to Coastal Development Permits processing, 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 took 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.

NEW SB 9 AND SB 543

This year's SB 9^[1] 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.*)

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

SB 543 – ADU Size; Number of ADUs; Impact Fees; Permitting 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 impact 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.

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.

For some time, there has been uncertainty about 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].)

NEXT STEPS & RECOMMENDATION:

AB 462 took effect immediately when signed, but technically it doesn't require any change to a local ordinance; the City just needs to follow the new rules for CDP processing and issuance of a C of O, if applicable. But the remaining bills take effect on January 1, 2026, and for the City's ADU ordinance to remain valid and enforceable, it must comply with the requirements of these bills by January 1, 2026, or the City's entire existing ADU ordinance becomes null and void as a matter of law, and the City will have to allow ADUs with no regulation except for the few requirements imposed in the state ADU law itself. The approval of ADUs and JADUs based solely on these default statutory standards, without local regulations governing height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods and negatively impact property values, personal privacy, and fire safety.

Therefore, the proposed ordinance is an urgency measure, which means it will take immediate effect upon adoption. Typically, an ordinance affecting planning and zoning is approved by the Council after a planning-agency recommendation, a first reading and introduction before the Council and then a second reading at a regular Council meeting — with the ordinance taking effect 30 days following adoption. But here it is necessary for the City Council to adopt this ordinance as an urgency measure because the new ADU laws took effect on January 1, 2026, before a non-urgency adoption would take effect. The urgency ordinance will be followed at the earliest possible time by a non-urgency ordinance subject to all normal procedures.

For the above reasons, staff recommends that the City Council adopt the proposed urgency ordinance (**Attachment 1**), which will ensure that the City's ADU ordinance remains valid on January 1, 2026. Staff is following up with a regular public hearing of the ordinance on March 17, 2026.

ENVIRONMENTAL DETERMINATION:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law. Therefore, the adoption of the proposed urgency Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Fiscal Impacts:

There are no fiscal impacts associated with this item.

Alternatives:

Provide alternative direction to staff.

Attachments:

1. Attachment 1_Ordinance No. O-01-26 (Urgency Ordinance_ADU-JADU)

1 an urgency ordinance, to be effective immediately upon adoption by a four-fifths vote of
2 the City Council; and

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

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

6 **Section 1. Incorporation.** The recitals above are each incorporated by reference
7 and adopted as findings by the City Council.

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

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

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

17 **Section 5. Effective Date.** This Ordinance takes effect immediately upon its
18 adoption.

19 **Section 6. HCD Submittal.** In accordance with Government Code sections 66326
20 and 66333.5, the City Clerk is directed to submit a copy of this Ordinance to the
21 California Department of Housing and Community Development within 60 days after
adoption.

22 **Section 7. Publication.** The City Clerk certifies that this Ordinance was adopted
23 by the City Council at a regular meeting on January 20, 2026.

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

27 **Section 9. Severability.** If any provision of this Ordinance or its application to any
28 person or circumstance is held to be invalid by a court of competent jurisdiction, such

1 invalidity has no effect on the other provisions or applications of the Ordinance that can
2 be given effect without the invalid provision or application, and to this extent, the
3 provisions of this Ordinance are severable. The City Council declares that it would have
4 adopted this Ordinance irrespective of the invalidity of any portion thereof.

4 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Colton,
5 California, at a regular meeting of the City Council held on the 3rd-day of February, 2026 by
6 the following vote:

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Frank Navarro
Mayor

ATTEST:

Isaac T. Suchil
City Clerk

APPROVED AS TO FORM:
BEST BEST & KRIEGER LLP

City Attorney

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EXHIBIT A

Amended ADU Regulations

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. Chapter 13 of Division 1 of Title 7 of the California Government Code.

- (b) **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
 - (1) Deemed to be inconsistent with the City’s general plan 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.

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- (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:
 - (A) A cooking facility with appliances.
 - (B) A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- (5) “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - (A) It is no more than 500 square feet of **interior livable space** in size.
 - (B) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - (C) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - (D) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - (E) It includes an efficiency kitchen, as defined in subsection (c)(4) above.
- (6) “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (7) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (8) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- (9) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (10) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

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(11) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

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

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

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

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

(3) **Process and Timing.**

(A) Completeness.

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

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

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

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

(v) Deemed complete. If the city does not make a timely determination as required by this subsection (A), the

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application or resubmitted application is deemed complete for the purposes of subsection (d)(3)(C) below.

(vi) Appeal of incompleteness. An applicant may appeal the city’s determination that the application is incomplete by submitting 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.

1 (e) **Classes.**

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

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

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

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

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

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

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

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

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

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

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

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(D) **Limited Detached on Lot with Multifamily:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each 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 **Class 1 and Class 2** ADUs and JADUs ~~that are approved under subsections Error! Reference source not found. or (e)(2) above:~~

(1) **Zoning.**

- (A) ~~A Class 1 ADU approved under subsection (e)(1) 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 Class 2 ADU or JADU subject to an ADU permit approved~~ 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.
- (C) In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

(2) **Height.**

- (A) Except as otherwise provided by subsections (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.

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

(3) Fire Sprinklers.

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

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

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

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

(7) Owner Occupancy.

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

1 (B) **JADUs.**

2 (i) **Generally. As required by state law, JADUs are generally**
3 **subject to an owner-occupancy requirement. A natural person**
4 **with legal or equitable title to the property must reside on the**
5 **property, in either the primary dwelling or JADU, as the**
6 **person’s legal domicile and permanent residence.**

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

10 (I) **The JADU has separate sanitation facilities (i.e., does not**
11 **share sanitation facilities with the existing primary**
12 **dwelling unit structure).**

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

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

20 (A) ~~Except as otherwise provided in Government Code Section~~
21 ~~65852.26, The ADU or~~ JADU may not be sold separately from the
22 primary dwelling.

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

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

27 (D) The deed restriction may be removed if the owner eliminates the
28 ~~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.

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

(10) Building & Safety.

- (A) **Must comply with building code.** Subject to subsection (f)(10)(B) below, all ADUs and JADUs must comply with all local building code requirements.
- (B) **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official **or Code Enforcement Division officer** makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (f)(10)(B) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

(11) Certificate of Occupancy Timing.

- (A) **Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.**

1 (B) Limited Exception for State-declared Emergencies. Notwithstanding
2 subsection (f)(11)(A) above, a certificate of occupancy for an ADU may
3 be issued before a certificate of occupancy for the primary dwelling if
4 each of the following requirements are met:

5 (i) The county is subject to a proclamation of a state of emergency
6 made by the California Governor on or after February 1, 2025.

7 (ii) The primary dwelling was substantially damaged or destroyed
8 by an event referenced in the Governor's state of emergency
9 proclamation.

10 (iii) The ADU has been issued construction permits and has passed
11 all required inspections.

12 (iv) The ADU is not attached to the primary dwelling.

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

15 (1) **Maximum Size.**

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

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

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

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

(3) **Setbacks.**

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

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

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

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

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

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

(7) Parking.

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

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

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

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

(E) Required parking spaces or required maneuvering area must be free of any utility poles, support wires, guard rails, stand pipes or meters.

(F) All required parking spaces must be kept clear for parking purposes only.

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

23 **(8) Architectural Requirements.**

- 24 (A) The materials and colors of the exterior walls, roof, and windows
25 and doors must match the appearance and architectural design of
26 those of the primary dwelling.
- 27 (B) The roof slope must match that of the dominant roof slope of the
28 primary dwelling. The dominant roof slope is the slope shared by
the largest portion of the roof.
- (C) The exterior lighting must be limited to down-lights or as
otherwise required by the building or fire code.
- (D) The ADU must have an independent exterior entrance, apart from
that of the primary dwelling.
- (E) The interior horizontal dimensions of an ADU must be at least 10
feet wide in every direction, with a minimum interior wall height
of seven feet.

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(F) Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(G) All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

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

(A) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24” box size plant shall be provided for every ten linear feet of exterior wall.

(B) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.

(C) All landscaping must be drought-tolerant.

(D) All landscaping must be from the City’s approved plant list.

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

(h) **Fees.** The following requirements apply to all **Class 1 ADUs and JADUs and Class 2 ADUs** that are approved under subsections ~~Error! Reference source not found.~~ **(e)(1)** or **(e)(2)** above.

(1) Impact Fees.

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

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

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

(2) Utility Fees.

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

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

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

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

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

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

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

(2) Unpermitted ADUs and JADUs constructed before 2020.

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

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

(B) **Exceptions:**

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

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