

ORDINANCE NO. 2026-01**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LA HABRA HEIGHTS, CALIFORNIA, AMENDING
CHAPTER 7.28 OF THE LA HABRA HEIGHTS MUNICIPAL
CODE RELATING TO ACCESSORY DWELLING UNITS
AND JUNIOR ACCESSORY DWELLING UNITS AND
DETERMINING THE ORDINANCE TO BE EXEMPT FROM
CEQA**

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

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

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Chapter 13 of Division 1 of Title 7 of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2022, the California Legislature approved, and the Governor signed into law, a new bill (SB 897) that further amends Government Code sections 65852.2 and 65852.22. SB 897 took effect on January 1, 2023; and

WHEREAS, the City Council adopted Urgency Ordinance No. 2022-09U on November 14, 2022, updating the ADU and JADU development standards to comply with recent changes in state ADU law, including SB 897;

WHEREAS, the City Council adopted Ordinance No. 2023-01 on March 13, 2023, updating the ADU and JADU development standards to comply with recent changes in state ADU law; and

WHEREAS, the code amendments contained in this ordinance ("Ordinance") reflect recent changes in state ADU law since 2022; and

WHEREAS, on April 28, 2026, the Planning Commission conducted a legally noticed public hearing on the proposed Ordinance, and considered public testimony and materials in the staff report. Following the public hearing, the Planning Commission recommended that the City Council adopt the Ordinance; and

WHEREAS, on May 11, 2026, the City Council conducted a first reading of the draft Ordinance and scheduled a Public Hearing for the June 8, 2026 regular City Council meeting; and

WHEREAS, on June 8, 2026, the City Council a legally noticed public hearing on the Ordinance and considered public testimony and materials in the staff report and materials in the staff report; and

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

NOW, THEREFORE, the City Council of the City of La Habra Heights does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. 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 Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 3. General Plan. This ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 66314(c).

SECTION 4. Code Amendments. Chapter 7.28 of the La Habra Heights Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 5. Effective Date. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City.

SECTION 6. Submittal to HCD. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Habra Heights, California, at a regular meeting of the City Council held on the 8th day of June, 2026, by the following vote:

AYES: COUNCIL MEMBERS: Bergman, Engelhardt, Steffire, Pespisa & Zezula
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

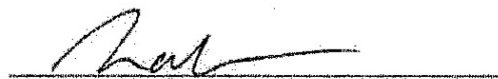

Brian Bergman, Mayor

APPROVED AS TO FORM:


Todd Litfin, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Rafferty Wooldridge, City Clerk of the City of La Habra Heights, California, do hereby attest to and certify that the foregoing ordinance is a true and correct copy of Ordinance No. 2026-01, which was approved and adopted at a regular meeting of the City Council of the City of La Habra Heights held on the 8th day of June, 2026.


Rafferty Wooldridge, City Clerk

6/8/2026
Date

EXHIBIT A
Amended ADU Regulations

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Chapter 7.28

Accessory Dwelling Units and Junior Accessory Dwelling Units

7.28.010 Purpose

The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

7.28.020 Effect of Conforming

An ADU or JADU that conforms to the standards in this Chapter will not be:

- A. Deemed to be inconsistent with the City's General Plan and Zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in Section 7.28.030(I). This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

7.28.030 Definitions

- A. "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:
 - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "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.

- D. "Efficiency kitchen" means a kitchen that includes all of the following:
1. A cooking facility with appliances.
 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- E. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
1. It is no more than 500 square feet of interior livable space in size.
 2. It is contained entirely within an existing or proposed single-family dwelling. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family dwelling.
 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling.
- F. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- G. "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.
- H. "Multifamily dwelling" or "multifamily lot" means a property that has two or more permitted attached dwellings on a single lot.
- I. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- J. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- K. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- L. "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.
- M. "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.

7.28.040 Approvals

The following approvals apply to ADUs and JADUs under this Chapter:

- A. **Building Permit Only.** If an ADU or JADU complies with each of the general requirements in Section 7.28.050, it is allowed with only a building permit in the following scenarios. The City shall not impose any objective development or design standard that is not authorized by this subsection 7.28.040(A):
1. **Converted on Single-Family Lot.** One ADU as described in this subsection (A)(1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - b. Has exterior access that is independent of that for the single-family dwelling.
 - c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - d. The JADU complies with the requirements of Government Code Section 66313 and Article 3 of Chapter 13 of Division 1 of Title 7 of the Government Code.
 2. **Limited Detached on Single-Family Lot.** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (A)(1) of this Section), if the detached ADU satisfies each of the following limitations:
 - a. The side- and rear-yard setbacks are at least four feet.
 - b. The total floor area is 800 square feet of livable space or smaller.
 - c. The peak height above grade does not exceed the applicable height limit in subsection (B) of Section 7.28.050.
 3. **Converted on Multifamily Lot.** 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 (A)(3), 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.
 4. **Limited Detached on Multifamily Lot.** No more than eight (8) detached ADUs on a lot that has an existing multifamily dwelling, provided that the

number of ADUs does not exceed the number of existing units on the lot, and no more than two (2) detached ADUs on a lot with a proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:

- a. The side- and rear-yard setbacks are no more than 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.
- b. The peak height above grade does not exceed the applicable height limit provided in subsection (B) of Section 7.28.050.

B. ADU Permit.

1. Except as allowed under subsection (A) of this Section, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Sections 7.28.050 and 7.28.060.
2. 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 and approved by the City Council by resolution for costs incurred.

C. Process and Timing.

1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
2. The City must determine whether an application to create or serve an ADU is complete and provide written notice of this determination to the applicant not later than fifteen (15) business days after the permitting agency received the application. If the City does not make a timely completeness determination, the application or resubmitted application shall be deemed complete.
 - a. If the City determines an application is incomplete, the permitting agency shall provide the applicant with a list of incomplete items and a description of how the application can be made complete. The list and description shall be provided with the written notice.
 - b. After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the permitting agency. In reviewing an applicant's additional application, the City shall not require the application to include an item that was not included in the list from the written notice. The City must provide written notice to the applicant of its

completeness determination for the additional application not later than fifteen (15) business days after it received the application.

- c. If a permit is deemed incomplete or denied, the applicant may appeal the decision in writing to the City Manager. The permitting agency on appeal must provide a final written determination by not later than 60 business days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the Planning Commission and to the City Council does not extend the 60-business day period.
3. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - b. 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.
4. 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 (C)(2) above.
5. 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.

D. Certificate of Occupancy

1. City will not issue a Certificate of Occupancy (COO) for an ADU until it issues a COO for the primary dwelling.
2. Exception: In the event that the Governor issues a state of emergency proclamation, and during the course of the emergency, the primary dwelling was substantially damaged or destroyed, the City shall issue a COO for a detached ADU constructed in a county subject to said state of emergency

so long as the ADU has been issued construction permits and has passed all required inspections.

7.28.050 General ADU and JADU Requirements

The following requirements apply to all ADUs and JADUs that are approved under Sections 7.28.040(A) or (B):

A. Location and Permitted Areas.

1. An ADU or JADU subject only to a building permit under Section 7.28.040(A) may be created on a lot in a residential or mixed use zone.
2. An ADU or JADU subject to an ADU permit under Section 7.28.040(B) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
3. **Location.** No ADU is permitted on any lot that is located in a Very High Fire Hazard Severity Zone designated by the City of La Habra Heights in accordance with Government Code Section 51178, unless the ADU complies with each of the following requirements:
 - a. Notwithstanding any other provision of this Chapter, the ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with adopted plumbing, building, and fire codes;
 - b. Notwithstanding any other provision of this Chapter, one off-street parking space is provided for the ADU; and
 - c. In the event the ADU is located on a through lot or a corner lot, the lot must front on at least one street that is improved with a paved roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.

B. Height.

1. Except as otherwise provided by subsections (B)(2) and (B)(3) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
2. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or 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 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. 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 18 feet in height.
4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (B)(4) may not exceed two stories.

C. Fire Sprinklers.

1. Fire sprinklers are not required in an ADU or JADU if sprinklers are not required in the primary residence.
2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

D. 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.

E. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided by Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. 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.

G. Owner Occupancy.

1. An ADU is not subject to any owner-occupancy requirement.
2. Owner occupancy of a JADU is required if the JADU shares sanitation facilities with the primary structure. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection (G)(2) does not apply if the JADU has separate sanitation facilities or the owner is another governmental agency, land trust, or housing organization.

- H. **Deed Restriction.** Any covenant, restriction, or condition in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in real property cannot prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of state ADU law. Fees or other financial requirements do not qualify as reasonable restrictions.
- I. **Building & Safety.**
1. **Must comply with building code.** Subject to subsection (I)(2) below, all ADUs and JADUs must comply with all local building code requirements.
 2. **No change in 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 (I)(2) 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.

7.28.060 Specific ADU Requirements

The following requirements apply to ADUs that require an ADU permit under Section 7.28.040(B).

A. **Maximum Size.**

1. The maximum size of a detached or attached ADU subject to this Section is 850 square feet of interior livable space for a studio or one bedroom unit and 1,000 square feet of interior livable space for a unit with more than one bedroom.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, subject to subsection (A)(3) of this Section.
3. Application of other development standards in this Section might further limit the size of the ADU, but no application of a percentage-based size restriction or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size may require the ADU to be smaller than 800 square feet of interior livable space and with four-foot side and rear yard setbacks.

B. **Setbacks.**

1. No part of any ADU subject to this Section may be located within 35 feet of a front property line, subject to subsection (A)(3) above.
 2. Detached ADUs shall not be located between a proposed or existing primary dwelling unit and a front property line, subject to subsection (A)(3) above.
 3. No part of any ADU subject to this Section may be located within four feet of a side or rear property line.
 4. No setback is required for an ADU that is subject to this Section if the ADU is constructed in the same location and to the same dimensions as an existing structure.
- C. **Passageway.** No passageway, as defined by Section 7.28.030(J), is required for an ADU.
- D. **Parking.**
1. **Generally.** One (1) parking space is required for each ADU or per bedroom, whichever is less. The parking space may be provided as tandem parking on a driveway, as defined by Section 7.28.030(M). Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. A JADU shall not require additional parking as a condition to grant an ADU permit, even if converted from an attached garage.
 2. **Exceptions.** No parking under subsection (D)(1) of this Section is required in the following situations:
 - a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 7.28.030(L).
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or an accessory structure under Section 7.28.040(A)(1).
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is an established car share vehicle stop located within one block of the ADU.

- f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (D)(2)(a) – (D)(2)(e) above.
3. **No Replacement.** When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

E. Architectural Requirements.

1. The ADU or JADU must have an independent exterior entrance, apart from that of the primary dwelling.
2. Windows and doors of the ADU shall not have a direct line of sight to an adjoining residential property. Landscaping or privacy glass may be used to provide screening and prevent a direct line of sight.
3. All windows and doors that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, (for windows and for doors) utilize frosted or obscure glass, or (for doors) opaque.
4. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the Federal, State, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

F. Lighting Requirements.

1. Outdoor lighting must be hooded, fully shielded, and aimed downward. Outdoor lighting shall not be on all night, and if it is motion sensor, it can be on for no longer than two minutes.
2. Light levels at a property line shall not exceed 0.05 foot-candles.
3. The source of light (the bulb itself) should not be visible from adjacent properties or public or private rights-of-way.

G. Landscape Requirements.

1. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels and between the ADU and public or private street as follows:
 - a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall extending 15 feet beyond the exterior wall or to

the property line. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior wall extending 15 feet beyond the exterior wall or to the property line.

- b. Plant specimens for screening must be at least eight feet tall above grade when installed.
 - c. Solid fences or walls shall not be used for screening. Open fences, such as chain link, must be screened by vegetation, such as vines.
2. All landscaping must be from the City's approved plant list.
 3. Plantings shall be maintained below the ridgeline of the structure.
 4. Any plants that die or are removed shall be replaced meeting specifications above.

H. **Historical Protections.** An ADU that is subject to this Section and 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.

7.28.070 Fees

The following requirements apply to all ADUs and JADUs that are approved under Section 7.28.040(A) or (B).

A. Impact Fees.

1. No impact fee is required for an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less in size. For purposes of this subsection (A)(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.
2. Any impact fee that is required for an ADU that is more than 750 square feet of interior livable space in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling).
3. The construction of an ADU or JADU that contains less than 500 square feet of interior livable space shall not be subject to the levy of a fee, charge, dedication, or other requirement by a school district for the purpose of subparagraph (C) of paragraph (1) of subdivision (a) of Section 17620 of the Education Code.

4. No reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556.

B. Utility Fees.

1. 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.
2. Except as described in subsection (B)(1) of this Section, converted ADUs on a single-family lot that are created under Section 7.28.040(A)(1) 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.
3. Except as described in subsection (B)(1) of this Section, all ADUs that are not covered by subsection (B)(2) of this Section require a new, separate utility connection directly between the ADU and the utility.
 - a. 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.
 - b. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

7.28.080 Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

A. 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.

B. Unpermitted ADUs constructed before 2020.

1. **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - a. The ADU violates applicable building standards, or
 - b. The ADU does not comply with the state ADU law (Chapter 13 of Division 1 of Title 7 of the California Government Code) or this ADU ordinance (Chapter 7.28).

2. **Exceptions.**

- a. Notwithstanding subsection (B)(1) above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
- b. Subsection (B)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

C. **Inspections.**

1. A City inspector may inspect a previously unpermitted ADU or JADU constructed before January 1, 2020, for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the ADU or JADU is not compliant with health and safety standards, the City shall not penalize the applicant for having an unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.
2. The City may require an inspection and impose an inspection fee for a JADU to determine if it complies with applicable building code standards.

7.28.090 Nonconforming ADUs and Discretionary Approval

Any proposed ADU or JADU that does not conform to the objective standards set forth in Sections 7.28.010 through 7.28.080 may be allowed by the City with a conditional use permit in accordance with the other provisions of this Article.