

**ORDINANCE NO. 2025-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING AND RESTATING SECTION 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS (ZOA 25-04)**

**WHEREAS**, an accessory dwelling unit or “ADU” is 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 includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling; and,

**WHEREAS**, a “junior accessory dwelling unit” or “JADU” is a small residential dwelling unit contained entirely within a single-family residence. A Junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing single-family residence; and,

**WHEREAS**, in 2016, the State Legislature adopted two bills pertaining to accessory dwelling units, Assembly Bill 2299 and Senate Bill 1069, which modified Government Code Section 65852.2; the State Legislature further modified Government Code Section 65852.2 with the adoption of Assembly Bill 494 and Senate Bill 229 in 2017, and again in 2020 with the adoption of Senate Bill 13, Assembly Bill 68, Assembly Bill 881 and Assembly Bill 3182 (Collectively, the “State ADU Law”); and,

**WHEREAS**, on June 15, 2020, the City Council of the City of Los Alamitos adopted Ordinance No. 2020-04 amending and restating Sections 17.08.020 and 17.28.020 of the Los Alamitos Municipal Code to update and clarify the City’s regulations related to ADUs in accordance with the State ADU Law; and,

**WHEREAS**, in July 2022, the California Department of Housing and Community Development (HCD) issued an updated Accessory Dwelling Unit Handbook, providing guidance on implementation of the State ADU Law; and,

**WHEREAS**, during its 2021-2022 Regular Session, the State Legislature approved two bills modifying the State ADU Law, Senate Bill 897 and Assembly Bill 221 (Collectively, the “2022 Revisions to the State ADU Law”); and,

**WHEREAS**, the 2022 Revisions to the State ADU Law necessitated the amendment and restatement of Section 17.28.020 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code; and,

**WHEREAS**, on March 20, 2023, the City Council of the City of Los Alamitos adopted ZOA 23-01, to amend the Los Alamitos Municipal Code to update and clarify regulations related to the construction of ADUs and JADUs in accordance with the 2022 Revisions to the State ADU Law, which were intended to further streamline local regulations for the construction of new ADUs and JADUs; and,

**WHEREAS**, on March 25, 2024, the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024) reorganized and renumbered sections of the Government Code relevant to State ADU and JADU requiring revisions to the code sections referenced in Ordinance CA 23-001; and,

**WHEREAS**, on September 19, 2024, the Chaptering of Senate Bill (SB) 1211 (Chapter 296, Statutes of 2024), revised sections of the Government Code relevant to State ADU and JADU law relating to the number of detached ADUs permitted on multi-family lots, the replacement of uncovered off-street parking spaces, and the imposition of design/development standards on ADUs; and,

**WHEREAS**, the City of Los Alamitos initiated ZOA 25-04 to amend the Los Alamitos Municipal Code to update and clarify regulations relating to ADU's and JADU's in compliance with State law; and,

**WHEREAS**, the Planning Commission opened a duly noticed Public Hearing concerning this proposed code amendment on September 24, 2025, and recommended City Council approval of this Ordinance; and,

**WHEREAS**, the City Council opened a duly noticed Public Hearing concerning the proposed code amendment on November 17, 2025; and,

**WHEREAS**, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the following findings are made in support of this code amendment:

- a) *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

ZOA 25-04 is consistent with the goals, policies, programs and land uses of applicable elements of the General Plan because the proposed Ordinance

clarifies and updates the regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in accordance with the requirements of Government Code Section 66310 *et seq.*, which the Legislature adopted with the intent to streamline local regulations for the construction of new Accessory Dwelling Units. The State has long held that Accessory Dwelling Units are an important source of affordable housing in California. The City's adopted General Plan Housing Element contains policies which support development of Accessory Dwelling Units, and the City's Regional Housing Needs Allocation (RHNA) is supported by the addition of Accessory Dwelling Units to the City's housing stock.

- b) *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

ZOA 25-04 will promote public convenience, health, interest, safety and general welfare and serve the goals and purposes of Title 17 by clarifying and streamlining the regulations applicable to development of new Accessory Dwelling Units. The proposed Accessory Dwelling Unit regulations require compliance with all applicable building and safety codes to ensure all life safety requirements are met.

- c) *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

The City Council of the City of Los Alamitos determines that this Ordinance is exempt from CEQA per Public Resources Code Section 21080.17 and CEQA Guidelines Section 152(h), which state the adoption of an ordinance regarding second dwelling units (accessory dwelling units) to implement the provisions of Government Code Section 65852.2 are exempt from CEQA; this Ordinance is further exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

**SECTION 3.** Section 17.28.020 of Article 4 (Regulations for Specific Land Uses and Activities) of Title 17 (Zoning) of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

### **17.28.020 Accessory Dwelling Units and Junior Accessory Dwelling Units**

**A. Purpose.** The purpose of this Section is to provide for and regulate the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with California Government Code sections 65852.2 and 65852.22.

**B. Definitions.** The following terms used in this Section shall have the meanings indicated below:

“Accessory dwelling unit”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.

“Attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling.

“Converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.

“Detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling.

“Director” means the Development Services Director or their designee.

“Junior accessory dwelling unit” has the same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.

“State exempt ADUs” means the four categories of ADUs or JADUs that are created pursuant to Government Code § 66323 including:

(1) one converted ADU and one JADU per single-family lot as described in Government Code § 66323(a)(1); (2) one detached ADU per single-family lot as described in Government Code § 66323(a)(2); (3) one or more converted ADUs on multifamily lots as described in Government Code § 66323(a)(3); and (4) one or more detached ADUs on multifamily lots as described in Government Code § 66323(a)(4).

State exempt ADUs shall be approved ministerially and are not subject to certain development standards as required by state law and as specified in Subsection (H)(6) below.

**C. Conforming ADUs.** An ADU that conforms to this Section shall:

1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and
3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

**D. Locations Permitted.**

1. *Permitted ADU Locations.* ADUs conforming to the provisions of this Section may be located on any lot in the City zoned to allow single-family or multifamily residential uses and that includes a proposed or existing legally developed single-family or multifamily dwelling.
2. *Permitted JADU Locations.* JADUs conforming to the provisions of this Section may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.

**E. ADU Requirements.**

1. *Legal Lot/Residence.* An ADU shall only be allowed on a lot that contains a proposed or legally developed existing single-family or multifamily residence.
2. An ADU shall be either:
  - (a) Attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure; or
  - (b) Detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
3. *Number of Units Per Lot.*
  - (a) For lots with a proposed or existing single-family dwelling:
    - i. One attached or converted ADU, and one JADU shall be permitted on the lot; and
    - ii. One detached, new construction ADU, that does not exceed four-foot side and rear setbacks.
  - (b) For lots with an existing multifamily dwelling:
    - i. At least one ADU, and up to 25 percent of the number of the existing units may be constructed within portions of the existing multifamily dwelling

structure that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) provided all applicable building code standards are met; and

- ii. Not more than eight detached ADUs shall be permitted on the lot provided the number of detached ADUs shall not exceed the number of existing units on the lot.

(c) For lots with a proposed multifamily dwelling:

- i. Not more than two detached ADUs shall be permitted

#### 4. *Unit Size and Height.*

(a) Maximum Size.

- i. Attached ADUs. The total floor area of an attached ADU shall not exceed (i) 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms, or (ii) fifty (50) percent of the existing floor area of the primary dwelling, whichever is less. However, in no case shall this limitation be imposed to require an ADU with a total floor area of less than 800 square feet.
- ii. Detached ADUs. The total floor area of a detached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- iii. Converted ADUs. The maximum size limitations set forth in this Subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to extent necessary to accommodate ingress and egress.

(b) Minimum Size. The total floor area of an attached or detached ADU shall be at least 150 square feet.

(c) Height

- i. Except as provided below, the height of a detached ADU on a lot with an existing or proposed single-family or multifamily dwelling unit shall not exceed 16 feet.
- ii. The height of a detached ADU located on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed 18 feet. However, an additional two feet of height, for a maximum of 20 feet, is allowed when necessary to align the roof pitch on the ADU to the roof pitch of the primary dwelling.
- iii. The height of a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling shall not exceed 18 feet.
- iv. The height of an attached ADU shall not exceed the height limitation of the zoning district applicable to the primary dwelling or 25 feet, whichever is lower. In no event shall any such ADU exceed two stories.

5. *Applicability of Development Standards.* Except as otherwise provided in this Section, all ADUs must conform to the development standards set forth in this Title 17 for the zoning district in which they are located. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, lot coverage, open-space, front setbacks, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet with four-foot side and rear yard setbacks, such standard(s) shall be waived to the extent necessary to allow construction of such an ADU.

6. *Setbacks and Spacing.*

(a) Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.

(b) Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.

- (c) Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as determined by the City's building official.

7. *Off-street Parking.*

- (a) One off-street parking space must be provided for an attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
- (b) 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.
- (c) Off-street parking is not required in the following instances:
  - i. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
  - ii. The ADU is located within an architecturally and historically significant historic district;
  - iii. The ADU is part of the proposed or existing primary residence or accessory structure (i.e., a converted ADU);
  - iv. When on-street parking permits are required but not offered to the occupant of the ADU;
  - v. When there is a car share vehicle station located within one block of the ADU; and/or
  - vi. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this Section.

- 8. *Exterior Access.* An attached or converted ADU must have independent exterior access from the proposed or existing primary dwelling.

- 9. *Passageway.* No passageway shall be required in conjunction with the construction of an ADU.

## F. JADU Requirements.

1. *Footprint.* A JADU may only be constructed within the walls of a proposed or existing single-family residence, including an attached garage.
2. *Size.* A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
3. *Separate Entrance.* A JADU located within a proposed or existing single-family residence must include a separate entrance from the main entrance of the residence.
4. *Kitchen Requirements.* A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
5. *Bathroom Facilities.* A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family residence in which it is located. If a JADU does not include separate sanitation facilities, the JADU must include an interior entrance to the primary dwelling's main living area.
6. *Parking.* No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.
7. *Fire Protection.* For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate new dwelling unit.
8. *Utility Service.* For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
9. *Deed Restriction.* Prior to the issuance of a building permit for a JADU, the owner shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:
  - (a) The property shall include no more than one JADU.
  - (b) The JADU may not be sold, mortgaged, transferred separately from the primary residence; this deed restriction may be enforced against future purchasers.
  - (c) The owner of the property shall occupy either the primary residence or the JADU as his or her domicile. In the event owner occupancy of the property ceases, the JADU shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.

- (d) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Section.

The deed restriction may not be modified or terminated without the prior written consent of the Director.

## **G. Other Requirements.**

1. *No Separate Conveyance.* Except as otherwise provided in Government Code section 66341 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
2. *No Short-Term Rental Permitted.* An ADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU is prohibited.
3. *Owner Occupancy Requirements.*
  - (a) ADUs. Owner occupancy of either the primary dwelling or ADU is not required.
  - (b) JADUs. The property owner of the lot upon which a JADU is located must occupy either the JADU or the primary residence as his or her domicile.

## **H. Permit Application and Review Procedures.**

1. *Building Permit Required.* A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this Section or by State law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.
2. *Application.* Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials proscribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
3. *Review.* The Director shall consider and approve or deny a complete application for an ADU or JADU ministerially without discretionary review or public hearing within the time prescribed by law. Review is limited to whether the proposed ADU or JADU complies with the requirements of this Section. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU

unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

4. *Zoning Conformity.* The City shall not require, as a condition of approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions.
5. *Demolition Permits.* A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.
6. *State Exempt ADUs and Conformity with State Law.* The City shall not apply any requirement or development standard provided for in this Section to an ADU or a JADU to the extent prohibited by any provision of State law, including, but not limited to Government Code section 66323. State exempt ADUs shall be approved ministerially and are not subject to the standards set forth in Government Code §§ 66314-66322. For example, and without limitation, state exempt ADUs do not have to comply with Subsection (E)(4)(a)(ii) size limits for new construction multifamily detached ADUs, Subsection (E)(6)(a) front setback requirements, Subsection (E)(6)(b) side and rear setback requirements for single-family converted ADUs and JADUs, or Subsection (E)(7) off-street parking requirements.

## **I. Utilities**

1. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
2. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

## **J. Fees.**


1. No impact fee is required for an ADU measuring less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.

- 2. Construction of an ADU is subject to any applicable fee adopted under the California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).
- 3. For purposes of this Subsection, “impact fee” does not include any planning application fee, plan check fee, or building permit fee.


**SECTION 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of November, 2025.

DocuSigned by:  
  
 AF57F140E7A140B...  
 Shelley Hasselbrink, Mayor

ATTEST:

Signed by:  
  
 54BCC26B4CA8409...  
 Windmera Quintanar, MMC, City Clerk

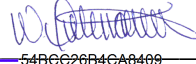
APPROVED AS TO FORM:

Signed by:  
  
 350A1F4BDEFA45B...  
 Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 17th day of November, 2025 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 15th day of December, 2025, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: Doby, Hibard, Hasselbrink, Loe, Nefulda  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

Signed by:  
  
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Windmera Quintanar, MMC, City Clerk