

ORDINANCE NO. 2026-13R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING AMENDMENTS
TO ARTICLE 1 AND ARTICLE 70 OF THE ESCONDIDO
ZONING CODE

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

- a) The City of Escondido Planning Services conducted a review of the Escondido Zoning Code to determine if any revisions were necessary to reflect State mandated changes; and
- b) Planning Services staff identified the need to amend Chapter 33 of the Municipal Code, including Article 1 (General Provisions and Definitions) and Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for purposes of compliance with various State ADU laws; and
- c) The Planning Service Area of the Development Services Department completed its review, and scheduled and held a Public Hearing regarding the Zone Text Amendment before the Planning Commission on April 28, 2026, and continued to May 26, 2026. Following the Public Hearing on May 26, 2026, the Planning Commission adopted Resolution No. 2026-06, which recommended that the City Council approve the Zone Text Amendment and amend the Escondido Zoning Code.

SECTION 2: Proper notices of a Public Hearing have been given and Public Hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council did on June 24, 2026, hold a duly-noticed Public Hearing as prescribed by law. Evidence was submitted to be considered by the City Council, including, without limitation:

- a. Written information including written and graphical information, and other materials;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The City Council Staff Report, dated June 24, 2026, along with its attachments as well as Planning Commission and City staff's recommendation on the project, which is incorporated herein by this reference as though fully set forth herein.

SECTION 4. Upon consideration of the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth, the June 24, 2026 City Council Staff Report, and the Planning Commission's recommendation, based on the totality of the record and evidence described in and referenced in this Ordinance, the City Council approves the Zone Text Amendments as detail in Exhibit "B" and as incorporated herein by this reference as though fully set forth herein.

SECTION 5. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code section 21080(b)(1), the proposed amendments are not subject to CEQA, and under CEQA Guidelines sections 15268 and/or 15378(b)(5), the action is statutorily exempt from CEQA. A Notice of Exemption will be filed with the County of San Diego per CEQA Guidelines Section 15062.

SECTION 6. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 7. As of the effective date of this Ordinance, all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8. The City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

SECTION 9. The City Clerk is hereby directed to update the Escondido Zoning Code to reflect the amendment approved by this Ordinance as shown in Exhibit "B".

SECTION 10. This Ordinance shall become effective 30 days from the date of passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 29th day of JULY, 2026 by the following vote to wit:

AYE : Councilmembers: FITZGERALD, GARCIA, GARCIA, MARTINEZ, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Dane White
19FFE6DB8C3B409...
DANE WHITE, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2026-13R passed at a regular meeting of the City Council of the City of Escondido held on the 29th day of July, 2026.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2026-13R

EXHIBIT "A"**PLANNING CASE NOS. PL25-0083****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and are declared statutorily exempt from the requirement for the preparation of environmental documents. The proposed Project is not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and the action is statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes to Article 1 would not have a direct or indirect physical effect on the environment. No further environmental review is required.
3. The City Council has independently considered the full administrative record before it, which includes but is not limited to, the June 24, 2026 City Council staff report; the May 26, 2026 Planning Commission staff report; the April 28, 2026 Planning Commission staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Zoning Code Amendment Determinations (Escondido Zoning Code Section 33-1263)

1. *That the public health, safety and welfare will not be adversely affected by the proposed change*

The proposed Zoning Code amendments make the Code consistent with changing state regulations, specifically Government Code sections 66310 through 66342. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities. The public health, safety and welfare will not be adversely impacted by the proposed changes, and;

2. *That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments*

There is not a project-specific site proposed for the Project. The proposed Zoning Code amendments would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and

their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;

3. The proposed Zoning Code amendments would not be detrimental to surrounding properties

The proposed Zoning Code amendment does not include the addition of uses that are not already permitted under the zoning code. The proposed Zoning Code amendments modify regulations surrounding accessory and junior accessory dwelling units which are already permitted under the Zoning Code, for purposes of compliance with state regulations, specifically Government Code sections 66310 through 66342.

4. That the proposed Zoning Code amendments are consistent with the adopted general

The Land Use and Community Form chapter states "Escondido's growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city." The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Chapter 33, Articles 1 (General Provisions and Definitions) and 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are nominal in nature and/or are a requirement of state law which supersede local restrictions.

The proposed Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state regulations. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

5. That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;

The Project does not entail any changes to the zoning designations of land within the City. The proposed Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state regulations. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

6. That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that:

The proposed Zoning Code amendment does not include the addition of uses that are not already permitted under the zoning code. The proposed Zoning Code amendments assure compliance with state regulations, specifically Government Code sections 66310 through 66342. The proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

Exhibit "B"

ZONE TEXT AMENDMENTS

Article 1 (General Provisions and Definitions) of Chapter 33 of the Escondido Municipal Code (Escondido Zoning Code) is hereby amended by adding quotation marks around "Dwelling"; striking the existing definition of "Accessory Dwelling" and replacing it as written below; and by adding a new definition for "Junior Accessory Dwelling):

ARTICLE 1 (ADMINISTRATION AND ENFORCEMENT)

§ 33-8. Definitions.

"Dwelling"

- (1) **"Dwelling"** means one or more rooms in a building used for occupancy by one family for living or sleeping purposes and having only one kitchen.
- (2) **"Grouped dwelling"** means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds.
- (3) **"Multiple dwelling"** means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwellings.
- (4) **"One-family or single-family dwelling"** means a detached or semi-detached building designed for or occupied exclusively by one family.
- (5) **"Two-family dwelling and duplex"** means a detached or semi-detached building designed for or occupied exclusively by two families.
- (6) **"Three-family dwelling and triplex"** means a detached or semi-detached building designed for or occupied by three families.
- (7) **"Primary dwelling"** means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.
- (8) **"Accessory dwelling"** 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. It shall include 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. An ADU may also include the following:

An efficiency unit.

A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- (9) **"Junior Accessory dwelling"** means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Chapter 33 of the Escondido Municipal Code (Escondido Zoning Code) is hereby repealed in its entirety and replaced as follows:

ARTICLE 70 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

§ 33-1470. Purpose.

The purpose of this article is to provide regulations for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as additional housing. Should any provision of this article be found not to be in compliance with California Government Code sections 66310 – 66342, as applicable, that provision should be severed and stricken from Article 70, as if it had never been adopted.

§ 33-1471. Applicability.

This article applies to ADUs and JADUs proposed on lots developed or proposed to be developed with one or more residential dwellings in areas zoned to allow single-family or multifamily residential uses, in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety, and/or mixed-use zones as applicable, as permitted by California Government Code sections 66314 and 66323, and subject to Sections 33-1473 through 33-1483, as applicable.

§ 33-1472. 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. It shall include 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. An ADU may also include the following:
 - (1) An efficiency unit.
 - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) "Attached ADU" means an ADU that is completely within an existing main building, or added to an existing primary building or accessory structure. These units shall be attached by a common wall, floor, or ceiling, and not simply by an attached passageway or porch; and shall be contained within one building. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

- (d) "Detached ADU" means an ADU that is structurally independent and separated from the existing or proposed single-family or multi-family residence by a minimum of 10 feet.
- (e) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (f) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.
- (g) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (h) "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.
- (i) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (j) "Multifamily dwelling," or "Multifamily residential uses," means a structure with two or more attached dwellings on a single lot. This definition shall be specific to this article.
- (k) "Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.
- (l) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- (m) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (n) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
- (o) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (p) "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.
- (q) "Qualified Buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

- (r) "Qualified Nonprofit Corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- (s) "Standard ADU" refers to ADUs that are created pursuant to Government Code Section 66314.
- (t) "State Exempt ADU" refers to ADUs or JADUs that are created pursuant to Government Code Section 66323.
- (u) "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.

§ 33-1473. Permit required.

- (a) **State Exempt ADUs.** Notwithstanding Government Code sections 66314 to 66322, inclusive, a building permit for a State Exempt ADU, in compliance with Government Code Section 66323, shall be required and ministerially approved.
- (b) **All Other ADUs.** A building permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, and in accordance with Government Code sections 66317, 66320, and 66335.

If the permit application to create or serve 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 approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permit application to create the new single-family or multifamily dwelling is approved or denied, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.

§ 33-1474. Development standards – State Exempt ADUs.

State Exempt ADUs shall be subject to the standards listed below, in accordance with Government Code Section 66323.

- (a) **Attached Units – Single-Family Residential Dwelling.** One Attached ADU and one JADU shall be permitted per lot with a proposed or existing single-family dwelling, subject to all the following requirements:
 - (1) The State Exempt ADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure. If the State Exempt ADU is within an accessory structure, an expansion of not more than 150 square feet beyond the footprint of the existing accessory structure is permitted. The expansion shall be limited to accommodating egress and ingress.
 - (2) The State Exempt ADU has exterior access separate from the proposed or existing single-family dwelling.

- (3) The side and rear setbacks comply with adopted codes pertaining to fire and building safety.
 - (4) When the State Exempt unit is a JADU, additional regulations apply as detailed in Section 33-1476, and in compliance with Government Code Section 66333 through 66339.
- (b) **Detached Units – Single-Family Residential Dwelling.** One detached, new construction State Exempt ADU shall be permitted per lot with a proposed or existing single-family dwelling, and may be in addition to one attached State Exempt ADU as described in paragraph (a), subject to all the following requirements:
- (1) Detached, new construction State Exempt units are subject to four-foot-minimum side and rear yard setbacks.
 - (2) The total floor area is limited to not more than 800 square feet of interior livable space.
 - (3) The height of the State Exempt unit shall comply with Section 33-1475(g) Height.
- (c) **Attached Units – Multifamily Residential Dwellings.**
- (1) Multiple attached State Exempt ADUs may be permitted within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage room, boiler rooms, passageways, attics, basement, or garages, as long as each unit complies with state building standards for dwellings.
 - (2) At least one attached State Exempt ADU shall be permitted within an existing multifamily dwelling structure, and not more than 25-percent of the total existing multifamily dwelling units. Any calculation that results in a fractional unit shall be rounded down to the next whole number.
- (d) **Detached Units – Multifamily Residential Dwelling.**
- (1) On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing primary units, shall be permitted, whichever is less.
 - (2) On a lot with a proposed multifamily dwelling, not more than two detached State Exempt ADUs shall be permitted.
 - (3) Detached State Exempt ADUs are subject to four-foot-minimum side and rear yard setbacks. The addition of detached State Exempt ADUs shall not require any setback modification of an existing multifamily dwelling that has a rear or side setback of less than four feet.
 - (4) The height of detached State Exempt ADUs on a lot with existing or proposed multifamily dwellings shall comply with Section 33-1475(g) Height.
- (e) **All State Exempt Units.**
- (1) No additional objective development or design standards beyond those detailed in Subsection 33-1474(a) through (d), as applicable, shall be imposed upon any State Exempt ADUs.

- (2) The addition of State Exempt ADUs shall not require any correction of nonconforming zoning conditions.
- (3) The addition of State Exempt ADUs shall not require fire sprinklers if sprinklers are not required of the primary dwelling nor shall the addition of State Exempt ADUs require fire sprinklers to be installed in an existing dwelling that does not currently have sprinklers.
- (4) The rental of State Exempt ADUs shall be for a term longer than 30 days.
- (5) For State Exempt ADUs connected to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the ministerial application materials.

§ 33-1475. Development standards – Standard ADUs.

Standard ADUs, beyond those permitted in accordance with Section 33-1474 above, shall be subject to the development standards listed below, and in accordance with Government Code Section 66314. Standard ADUs are permitted in addition to State Exempt ADUs.

- (a) **Designated areas.** Standard ADUs are permitted in areas zoned to allow single-family or multifamily residential uses where:
 - (1) The lot includes a proposed or existing dwelling.
 - (2) Adequate public facilities and services are available.
 - (A) For Standard ADUs proposed to connect to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the application materials.
 - (B) For Standard ADUs proposing private sewage disposal, authorization to move forward with the construction of the Standard ADU by the San Diego County Department of Environmental Health and Quality, or their designee, shall be required as part of the application materials.
 - (3) Impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety. Staff will review the following site-specific topics to determine potential traffic flow or public safety concerns, where applicable and pursuant to Engineering design standards:
 - (A) Driveway locations and access type (e.g., full access, partial access, right in/out only).
 - (B) Pedestrian access, bicycle access, and on-site pedestrian circulation and potential conflicts.
 - (C) Location/distance of nearest existing transit stop(s) (measure as walking distance to project entrance/or middle of parcel).

- (D) Location of any planned sidewalks or bikeways, identified in the Bicycle Master Plan and other City planning documents, within ¼ mile of the project location.
- (E) Access management standards for median openings and spacing between major driveway connections.
- (F) Sight distance.
- (G) Relationship of internal circulation to public streets.
- (H) Sufficiency of driveway length.
- (I) Shared access, including alternate access roads.
- (4) An Attached Standard ADU shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses.
- (5) A Detached Standard ADU shall be either a converted accessory structure or a newly constructed ADU structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- (b) **Density.** In accordance with Government Code Section 66314(c) and 66319, Standard ADUs do not affect the allowable density for the lot upon which the ADU is located. Furthermore, Standard ADUs are recognized as a residential use consistent with the existing residential general plan and zoning designation for the lot upon which they are located.
- (c) **Number of Units.**
 - (1) One Standard ADU shall be permitted in addition to permissible State Exempt ADUs and shall conform to the additional development standards established in this subsection.
 - (A) Additional Standard ADUs may be permitted and shall conform to the development standards of the underlying zone. An appropriate development application for the construction of additional Standard ADUs on any lot in all residential or mixed-use zones is required pursuant to Article 61 of this chapter.
- (d) **Floor Area.**
 - (1) Minimum permissible floor area of any ADU shall be no less than 150 square feet and such proposed ADUs shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.
 - (2) Maximum total floor area of any Standard ADU shall not exceed 1200 square feet of interior livable space.
 - (3) Any accessory structure attached to a Standard ADU, such as a patio cover, shall not exceed 49 percent of the associated existing or proposed Standard ADU.

(e) Setbacks.

(1) Front Yard Setbacks.

- (A) Any Attached or Detached Standard ADUs between 800 and 1,200 square feet of interior livable space shall conform to the front yard setbacks of the underlying zone.
- (B) No front setback shall be required for any Attached or Detached Standard ADU less than 800 square feet of interior livable space.

(2) Side and Rear Yard Setbacks.

- (A) Attached Standard ADUs – Converted Space. No new side or rear yard setback shall be required for an existing living area or existing accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a Standard ADU or to a portion of a Standard ADU.
- (B) Attached Standard ADUs – New Construction. New Attached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.
- (C) Detached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.

(3) Special Circumstances

- (A) Any portion of a Detached Standard ADU constructed above an existing or proposed accessory structure, such as a garage, that is in excess of 18 feet, shall provide an additional five feet of setback adjacent property line(s) abutting residential zones.
- (B) The structures listed below may project into the minimum front or rear setback not more than four feet and into the minimum side setback not more than two feet, provided that such projections shall not be closer than three feet to any lot line:
 - (i) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
 - (ii) Fireplace structures and bays, provided that they are not wider than eight feet measured in the general direction of the wall of which it is a part;
 - (iii) Stairways, balconies, door stoops and fire escapes;
 - (iv) Awnings;
 - (v) Planting boxes or masonry planters not exceeding 42 inches in height;
 - (vi) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one story in height and 22 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features.

(f) Lot Coverage.

- (1) Any Attached or Detached Standard ADU with less than 800 square feet of interior livable space shall not count towards the lot coverage requirements of the underlying zone.
- (2) Any Attached or Detached Standard ADU between 800 and 1,200 square feet of interior livable space shall comply with lot coverage requirements of the underlying zone.
- (3) Any detached accessory structure associated with a Standard ADU shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.
- (4) An attached accessory structure, such as a patio cover, associated with a Standard ADU, shall not exceed 49 percent of the Standard ADU and shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.

(g) Height.

- (1) The following height standards apply to State Exempt or Standard ADUs:
 - (A) An Attached ADU or JADU that is within the proposed or existing space of an existing single-family dwelling or accessory structure shall be limited to the height of the structure it is within.
 - (B) The maximum height of an attached ADU shall not exceed the height of the existing or proposed primary dwelling, or 25 feet, whichever is greater.
 - (C) A Detached ADU on a lot with an existing or proposed single-story single-family dwelling or single-story multifamily dwelling, shall be limited to the height of the existing or proposed single-story primary dwelling or 24 feet, whichever is greater.
 - (D) A Detached ADU on a lot with an existing or proposed multistory single-family dwelling or multistory multifamily dwelling, shall be permitted a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
 - (E) A Detached ADU constructed above an existing or proposed detached accessory structure, such as a detached garage, shall be permitted to a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
- (2) Any portion of an Attached or Detached ADU above 18 feet shall be subject to the provisions of Section 33-1475(e)(3)(A) Special Circumstances.
- (3) An additional two feet in height shall be permitted to accommodate a roof pitch on any ADU that is aligned with the roof pitch of the primary dwelling unit.

(h) Interior Space.

- (1) **Access.** All Standard ADUs shall be provided with a separate, exterior entry, and no direct, interior access into the main building.

- (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the Standard ADU complies with local building and fire code requirements.
- (3) **Common Living Area.** The total area of all bedrooms shall not exceed 50 percent of the total interior livable space of the Standard ADU. The total combined Standard ADU common living area shall be equal to or greater than the total combined area of all bedrooms. The calculation of common living area and bedroom area shall not include closets, bathrooms or hallways, and shall be measured from the centerline of interior walls, and the exterior of exterior walls.
- (4) **Bathrooms.** All Standard ADUs shall include separate bath/sanitation facilities
- (5) **Kitchen.** Standard ADU shall include, and be limited to, one kitchen as defined by the Zoning Code. "Wet bars" shall not be permitted.

(i) **Architectural Details.**

- (1) **Passageways.** No passageway, as defined in Section 33-1472, shall be required in conjunction with the construction of a Standard ADU.
- (2) **Exterior Architecture.** Exterior building materials, texture, and colors for Standard ADUs shall match those of the primary structure.
- (3) **Windows.** Standard ADU windows shall be considered consistent with the primary dwelling if they utilize the same manufacturer product line or model series as the primary dwelling windows, where documentation is provided or where visually verifiable.

Alternatively, Standard ADUs windows shall substantially match those of the primary structure, by complying with at least three of the following standards.

- (A) Window type (e.g., single-hung, double-hung, casement, slide)
- (B) Frame Material (e.g., vinyl, wood, aluminum-clad)
- (C) Window Proportions [Required for Historic Lots] (e.g., window height-to-width proportions, within $\pm 10\%$ of the predominant window proportions on the primary dwelling)
- (D) Trim Dimensions and Recess Depth
- (E) Window Glazing (e.g., clear, tinted, reflective)

In addition, the number and placement of windows shall comply with applicable building code and health and safety standards, for light, ventilation, egress, and safety.

- (4) **Roof.** Roof materials, texture, and color, as well as roof pitch, for Standard ADUs shall substantially match those of the primary structure.
- (5) **Historic Properties.** If the Standard ADU is an addition to a site that is listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historical district, the requirements and development standards set forth in Section 33-1475 apply.

(j) **Landscaping.**

- (1) **Yard areas.** A minimum of 50 percent of all remaining yard areas shall be landscaped with trees, shrubs and other plant materials, provided that such landscape features do not hinder safety access.
- (2) **Planting Materials.** Plantings shall consist of annuals, perennials, groundcovers, shrubs, and trees compatible with adjacent native vegetation, capable of surviving without permanent irrigation.
- (3) **Maintenance.** The property owner shall be responsible for the maintenance of landscape materials through regular routine maintenance to ensure that plant material is maintained in a flourishing manner. Dead or diseased plants must be replaced within 90 days from when the director makes a determination that the plant must be replaced. Failure to do so constitutes a violation of this article. The property owner shall receive a written notice of noncompliance.
- (4) **Irrigation.** Irrigation systems shall be consistently maintained and adjusted to eliminate water waste and ensure the healthy survival of the plant material.

(k) **Parking.**

- (1) **Required Parking.** Designated parking spaces shall not be required for a Standard ADU in any of the following instances:
 - (A) Where the Standard ADU is located within one-half mile walking distance of public transit.
 - (B) Where the Standard ADU is located within an architecturally and historically significant historic district.
 - (C) Where the Standard ADU is part of the proposed or existing primary residence or an accessory structure.
 - (D) When on-street parking permits are required but not offered to the occupant of the Standard ADU.
 - (E) When there is a car share vehicle located within one block of the Standard ADU.
 - (F) When a request for a Standard ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the Standard ADU or the parcel satisfies the criteria listed in this subdivision.
- (2) **Voluntary Parking.** In instances where an applicant chooses to provide parking for a Standard ADU, the following requirements shall apply:
 - (A) Parking need not exceed one parking space per Standard ADU.
 - (B) Parking spaces may be provided as tandem parking on a driveway.
 - (C) 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 upon specific site or regional topographical or fire and life safety conditions.

(3) Demolition of Existing Parking.

- (A) When a garage, carport, or covered parking space is demolished or uncovered parking is replaced in conjunction with the construction of or conversion to a Standard ADU, replacement parking is not required.
 - (B) Demolition permits required for a detached garage that is to be replaced with a Standard ADU shall be reviewed concurrently with the application for the Standard ADU and issued at the same time.
 - (C) Written notice is not required for the proposed demolition of a detached garage that is to be replaced with a Standard ADU, unless the property is located within an architecturally and historically significant historic district, in which case notification is required pursuant to Section 33-1477.
- (l) **Addresses.** Standard ADUs shall be issued individual addresses upon the issuance of a certificate of occupancy. Addresses of all residential units shall be displayed in such a manner that they are clearly seen from the street, in accordance with California Residential Code standards.

§ 33-1476. Development standards – Junior Accessory Dwelling Units.

Junior ADUs shall be subject to the development standards listed below, and in accordance with Government Code Section 66333 through 66339.

(a) Designated areas.

- (1) One JADU is permitted per lot in areas zoned to allow single-family residence and where:
 - (A) The lot includes a proposed or existing single-family dwelling.
 - (B) The JADU is constructed within the walls of the proposed or existing single-family residence.

(b) Floor Area.

- (1) Minimum permissible floor area of any JADU shall be no less than 150 square feet of interior livable space and shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.
- (2) Maximum total floor area of any JADU shall not exceed 500 square feet of interior livable space.

(c) Interior Space.

- (1) **Access.** All JADUs shall be provided with a separate, exterior entry and:
 - (A) May also have direct, interior access to the main building.
 - (B) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the JADU complies with floor area restrictions and local building and fire code requirements.

- (3) **Bathrooms.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the primary residence.
- (4) **Kitchen.** The JADU shall include, and be limited to, one efficiency kitchen, which shall include all the following:
 - (A) A cooking facility with appliances such as a range, microwave, or other appliances that meet code requirements and fit the space in relation to the size of the JADU.
 - (B) A food preparation counter with adequate space in relation to the size of the JADU and no less than four square feet.
 - (C) Storage cabinets that are of reasonable size in relation to the size of the JADU and no less than 36 cubic feet.
- (d) **Architectural Details.**
 - (1) **Exterior Architecture.** Exterior building materials, texture, and colors for JADUs shall substantially match those of the primary structure.
 - (2) **Windows.** Junior ADU windows shall be considered consistent with the primary dwelling if they utilize the same manufacturer product line or model series as the primary dwelling windows, where documentation is provided or where visually verifiable.

Alternatively, Junior ADUs windows shall substantially match those of the primary structure, by complying with at least three of the following standards.

 - (A) Window type (e.g., single-hung, double-hung, casement, slide)
 - (B) Frame Material (e.g., vinyl, wood, aluminum-clad)
 - (C) Window Proportions [Required for Historic Lots] (e.g., window height-to-width proportions, within $\pm 10\%$ of the predominant window proportions on the primary dwelling)
 - (D) Trim Dimensions and Recess Depth
 - (E) Window Glazing (e.g., clear, tinted, reflective)

In addition, the number and placement of windows shall comply with applicable building code and health and safety standards, for light, ventilation, egress, and safety.
 - (3) **Roof.** Roof materials, texture, and color, as well as roof pitch, for JADUs shall match those of the primary structure.
- (e) **Height.** The height of any JADU shall comply with Section 33-1475(g)(1)(A).
- (f) **Parking.** Designated parking spaces shall not be required for a JADU.

§ 33-1477. ADUs and JADUs on Historic Lots.

To prevent adverse impacts on any real property listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historic district, the following requirements and objective standards apply to ADUs and JADUs on historic lots, in addition to the applicable standard set forth in section 33-1475 through 33-1476 (Government Code Section 66314[b]).

- (a) An ADU and/or JADU proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, the City's Local Register of Historic Places, the local historic inventory, or located within a historic district, shall conform to the requirements for the historic structure or district.
- (b) An ADU and/or JADU proposed for a property under a Historic Property Preservation Agreement must comply with all historic preservation guidelines as adopted by the City Council, including design conformance with the United States Secretary of the Interior Standards.
- (c) All site improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.
- (d) Notwithstanding subsection (a), if the City Council acts to establish mandatory design standards for historically classified structures, the ADU and/or JADU shall conform to the mandatory standards.
- (e) **Demolition of a Detached Garage.** Within an architecturally and historically significant historic district, an applicant shall provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

§ 33-1478. Allowable Use of ADUs and JADUs.

- (a) The ADU and/or JADU shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises, and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.
- (b) An ADU and/or JADU shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the ADU and/or JADU, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.
- (c) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.

- (d) When provided by these regulations, it shall be the responsibility of the Director of Development Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, ADU, and/or JADU, based on the Director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use.

§ 33-1479. Occupancy and Conveyance.

- (a) **Renter-occupancy.** ADUs and JADUs may be rented separate from the primary residence, but only with a rental agreement and with terms greater than 30 days.

(b) **Owner-occupancy.**

- (1) The owner-occupancy requirement shall apply to a JADU, only so long as the JADU has shared sanitation facilities with the existing structure.
 - (A) Either the primary dwelling unit or the JADU may be occupied by the owner of record of the property, unless otherwise exempted by this section.
- (2) The owner-occupancy requirement shall not be applied to any State Exempt or Standard ADU.
- (3) Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- (4) **Deed restriction.** The City shall require the recordation of a deed restriction to ensure owner-occupancy requirements on JADUs, as applicable.
 - (A) Prior to issuance of a building permit, the JADU owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the Director of Development Services and City Attorney's office, which shall be recorded in the office of the county recorder. The covenant shall also include the following terms and limitations:
 - (i) A prohibition on the sale of the JADU separate from the sale of the primary residence, and shall not be subdivided in any manner that would authorize such sale or ownership;
 - (ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property;
 - (iii) The JADU shall be a legal unit, and may be used as habitable space, only so long as either the primary dwelling unit or the JADU is occupied by the owner of record of the property, unless otherwise exempted;
 - (iv) A restriction on the size and attributes of the JADU that conforms with this section, and if applicable, the occupancy limitations of the California Health and Safety Code section 17958.1.

- (c) **Conveyance – Junior ADUs.** Junior ADUs shall not be sold or otherwise conveyed separate from the primary residence.

(d) **Conveyance – State Exempt and Standard ADUs.** ADUs shall not be sold or otherwise conveyed separate from the primary residence, with the following exceptions:

(1) **Conveyance as a Qualified Unit.** ADUs may be sold or otherwise conveyed separately from the primary residence to a qualified buyer, as defined in Section 33-1472, if all of the following apply:

(A) The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.

(B) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(C) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(i) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(ii) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property.

(iii) A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.

(iv) Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(v) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:

(a) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(b) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

- (c) Procedures for dispute resolution among the parties before resorting to legal action.
 - (D) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - (E) If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.
 - (F) Nothing in this section limits the ability of an ADU to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant Section 33-1479(e)(2) below.
- (2) **Conveyance as a Condominium Unit.** The separate conveyance of the primary dwelling unit and ADU or ADUs as condominiums, may be permitted if all of the following requirements are met:
- (A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
 - (B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of the subdivision ordinance.
 - (C) Before recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
 - (D) Neither a subdivision map nor a condominium plan shall be recorded with the San Diego County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
 - (i) A lienholder may refuse to give consent.
 - (ii) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
 - (E) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the San Diego County Recorder along with a signed statement from each lienholder that states as follows:
 - (i) "(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

- (F) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
 - (i) The lienholder's signature.
 - (ii) The name of the record owner or ground lessee.
 - (iii) The legal description of the real property.
 - (iv) The identities of all parties with an interest in the real property as reflected in the real property records.
 - (v) The lienholder's consent shall be recorded in the office of the San Diego County Recorder.
- (G) When an ADU is established as a condominium, the homeowner shall be required to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- (H) **Homeowners Associations.**
 - (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
 - (ii) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- (I) An ADU shall be sold or otherwise conveyed separate from the primary residence only under the conditions pursuant to this article.

§ 33-1480. Code Standards.

- (a) Unless otherwise specified herein, ADUs and JADUs shall comply with all building code requirements that apply to detached dwellings as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU or JADU could have a specific, adverse impact on public health and safety, and with the following exceptions:
 - (1) The construction of an ADU or JADU shall not constitute a Group R occupancy change.
 - (2) Nothing in this section shall be interpreted to prevent the City from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

- (b) ADUs or JADUs that exist as of January 1, 2025, and that had previously been legally established, may continue to operate as legal nonconforming units.
- (c) A JADU shall not be considered a new or separate dwelling unit for purposes of any fire or life protection ordinance. Fire and life protection requirements that apply to the primary residence shall apply to the JADU.
- (d) ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence. Further, the construction of an ADU shall not require fire sprinklers to be installed in the existing primary dwelling.
- (e) A certificate of occupancy shall not be issued for the ADU and/or JADU until the building official issues a certificate of occupancy for the primary dwelling.
- (f) **Existing Code Violations and Unpermitted ADUs/JADUs.**
 - (1) An application for a permit to create an ADU or a JADU shall not be denied due to nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or JADU.
 - (2) **Delayed Enforcement Action.** In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an ADU described below, the City, upon request of an owner of a nonconforming ADU for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
 - (A) The ADU was built before January 1, 2020.
 - (B) The ADU was built on or after January 1, 2020, at the time the City had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
 - (3) **Unpermitted ADU/JADUs – Constructed Prior to January 1, 2020 (Gov. Code § 66332).** A permit shall not be denied for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, unless a finding is made that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code, due to either of the following:
 - (A) The ADU or JADU does not comply with this article.
 - (B) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code. Substandard building conditions are specified in [Section 17920.3 of the Health and Safety Code](#).
 - (i) NOTE: Though not a requirement, it is in the best interest of the homeowners to obtain a confidential third-party code inspection from a licensed contractor to determine the existing condition or potential scope of building improvements for an unpermitted ADU or unpermitted JADU before submitting an application for a permit.

- (4) Subject to subdivision (3), upon receiving an application to permit a previously unpermitted ADU or unpermitted JADU constructed before January 1, 2020, a City inspector may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit.
- (A) If the inspector finds noncompliance with health and safety standards, the applicant shall not be penalized for having the unpermitted ADU or unpermitted JADU and necessary permits shall be approved to correct noncompliance with health and safety standards.
- (g) **Unpermitted ADU/JADUs – Constructed on or After January 1, 2020 and Before the Date of Passage of this Ordinance.** This article shall apply to all ADUs or JADUs which exist between January 1, 2020 and the date of passage of the ordinance. Units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.
- (1) Any ADU and/or JADU that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless it is determined that it meets the provisions of this section and a permit is approved and issued.
- (2) Administration and enforcement of any nonconforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.
- (h) **Conversion of legally established structures.** The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformities that existed when this section first went into effect may continue, provided that in no manner shall such waiver or nonconformity be expanded, notwithstanding Section 33-1474.

§ 33-1481. Application Procedures.

In accordance with Government Code sections 66317, 66320, and 66335, a permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The following apply to all ADU and JADU permit applications:

- (a) Building permit application materials for ADUs or JADUs shall be reviewed and determined to be complete or incomplete no later than 15 business days after receiving the application packet. If the application packet is determined to be incomplete, the applicant shall be provided with a list of incomplete items and a description of how the application can be made complete in the written notice and authorize the applicant to cure and address the application, as specified.
- (b) The building permit application for an ADU or a JADU where there is an existing single-family or multifamily dwelling on the lot shall be approved or denied within 60 days from the date the applicant packet is determined to be complete.

- (c) If the building permit application for an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the ADU or the JADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the ADU or JADU shall be considered without discretionary review or hearing.
- (d) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- (e) If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (f) The City shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.

§ 33-1482. Decision to Deny.

The decision to deny an application for an ADU or JADU shall be in writing and shall include a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

§ 33-1483. Fees.

A fee may be charged to reimburse costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an ADU or JADU, pursuant to California Government Code sections 66000, 66012, and 66335(c).

- (a) **Application Fees.** Upon the filing of a permit for an ADU or JADU, a fee in an amount established by resolution of the City council shall be paid by the applicant to the City.
- (b) **Impact Fees.**
 - (1) An ADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
 - (2) A JADU shall not be considered a new or separate dwelling unit for purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service.
 - (3) For purposes of this subdivision, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of California Government Code Section 66000, except that it also includes fees specified in California Government Code Section 66477.
 - (4) "Impact fee" does not include any connection fee or capacity charge.
 - (5) No impact fee shall be imposed upon the development of an ADU less than 750 square feet of interior livable space.

- (6) Any impact fees charged for an ADU of 750 square feet of interior livable space or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (7) State Exempt ADUs.
 - (A) The applicant shall not be required to install a new or separate utility connection directly between a State Exempt Unit and the utility provider.
 - (B) In the event that an applicant chooses to install a new or separate utility connection directly between the State Exempt Unit and the utility, no related connection fee or capacity charge shall be charged unless the State Exempt Unit was constructed with a new single-family dwelling, or upon separate conveyance of the ADU pursuant to Section 33-1479.
- (8) Standard ADUs.
 - (A) The applicant may be required to install a new or separate utility connection directly between a Standard ADU and the utility provider.
 - (B) Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system.
 - (C) This fee or charge shall not exceed the reasonable cost of providing this service.
- (9) A homeowner applying for a building permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is otherwise authorized by this section.

§ 33-1484. through § 33-1489. (Reserved)