

ORDINANCE NO. CS-506

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 21, ZONING CODE, OF THE CARLSBAD MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO ENSURE CONSISTENCY WITH STATE LAW RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

CASE NAME: 2025 ACCESSORY DWELLING UNIT AMENDMENT

CASE NO: ZCA 2025-0001 / LCPA 2025-0023 / PUB 2025-0009

WHEREAS, Section 66314 of the California Government Code requires cities and counties to permit construction of accessory dwelling units and junior accessory dwelling units, and allows cities and counties to adopt ordinances that govern the permitting of accessory dwelling units and junior accessory dwelling units consistent with state law; and

WHEREAS, California Governor Gavin Newsom signed Senate Bill 477 (2024), Senate Bill 1211 (2024) and Assembly Bill 2533 (2024) into law, which amended state law to further encourage and incentivize the construction of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the above legislative bills took effect between March 24, 2024, and January 1, 2025, and existing provisions of the City of Carlsbad Municipal Code are inconsistent with or insufficiently supportive of the new law provisions; and

WHEREAS, the City Planner has prepared amendments to the Zoning Code (ZCA 2025-0001) and the Local Coastal Program (LCPA 2025-0023) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14; and

WHEREAS, the Carlsbad Zoning Code is the implementing ordinance of the Carlsbad Local Coastal Program, and therefore, amendments to the Zoning Code also constitute amendments to the Local Coastal Program; and

WHEREAS, as required by state law, a six-week notice of availability was issued for LCPA 2025-0023 from October 24, 2025, and ending on December 5, 2025. No comments were received in response to the LCPA notice; and

WHEREAS, on November 6, 2025, the Airport Land Use Commission reviewed and found that the proposed Zoning Code Amendment is consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) (Public Resources Code §§21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 California Code of Regulations §§15000 et. seq., the city is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, on November 19, 2025, the Planning Commission held a duly noticed public hearing as prescribed by law to consider the amendments to Title 21 of the CMC (ZCA 2025-0001 and LCPA 2025-0023) and the City Planner's draft CEQA exemption determination posted on the city's website and sent to interested parties on November 5, 2025; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 7560 recommending City Council adoption of ZCA 2025-0001 and LCPA 2025-0023 and approval of the Project's CEQA exemption determination; and

WHEREAS, the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider ZCA 2025-0001 and LCPA 2025-0023 and the Project's CEQA exemption determination; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to ZCA 2025-0001/LCPA 2025-0023; including without limitation:

- a. Written information;
- b. Oral testimony from city staff, interested parties, and the public;
- c. The staff report, dated January 27, 2026, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Carlsbad, California, does ordain that:

1. The above recitations are true and correct.
2. Pursuant to the companion resolution on January 27, 2026 (Exhibit 1 to the January 27, 2026 staff report), the proposed amendments to the Carlsbad Municipal Code (MCA 2025-0002, ZCA 2025-0001, and LCPA 2025-0023) are exempt from significant effect on the environment; and under Section 15282(h) of the CEQA Guidelines, which exempts from CEQA the adoption of an ordinance regarding accessory dwelling units in a one-

family, two-family or multiple-family dwelling residential zone to implement California Government Code Chapter on accessory dwelling units (Government Code Section 66310 et seq.).

3. The findings of the Planning Commission in Planning Commission Resolution No. 7560 shall also constitute the findings of the City Council.
4. Carlsbad Municipal Code Section 21.04.020 is amended to read as follows:

21.04.020 Accessory.

“Accessory” means a building, part of a building or structure, or use that is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by a common wall, with a width dimension of at least three feet and a height dimension of at least one story, such building area is considered a part of the main building and not an accessory building or structure, except for “accessory dwelling units” or “junior accessory dwelling units” as defined in Sections 21.04.121 and 21.04.122 of this Code. Accessory dwelling units and junior accessory dwelling units that comply with the requirements of Section 21.10.030 this Code and the California Government Code are considered accessory.

5. Carlsbad Municipal Code Section 21.04.058 is added as follows:

21.04.058 California Government Code.

Any references to any statute or section within the California Government Code are made knowing the sections may be amended from time to time and the city intends the reference to be to the current and effective California statute as the legislature amends California law.

6. Carlsbad Municipal Code Section 21.04.121 is amended to read as follows:

21.04.121 Dwelling unit, accessory (ADU).

Refer to California Government Code Section 66313(a).

7. Carlsbad Municipal Code Section 21.04.122 is amended to read as follows:

21.04.122 Dwelling unit, junior accessory (JADU).

Refer to California Government Code Section 66313(d).

8. Carlsbad Municipal Code Section 21.10.030 is amended to read as follows:
9. the California Environmental Quality Act under the common sense exemption, Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines, since there would be no possibility of a **21.10.030 Accessory dwelling units and junior accessory dwelling units.**

- A. Purpose. This section provides standards for the establishment of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Pursuant to the California Government Code Chapter on Accessory Dwelling Units (California Government Code Section 66310 et seq.), local governments have the authority to adopt regulations designed to promote development of ADUs and JADUs.
- B. Standards of Review. Review of ADUs and JADUs shall be consistent with the following:
 - 1. ADU or JADU applications shall be considered a ministerial action without discretionary review or a public hearing if all requirements of this section (21.10.030) are met, notwithstanding any other requirements of state law or this Code.
 - 2. ADUs or JADUs developed within the coastal zone shall obtain a coastal development permit pursuant to Chapter 21.201 of this Code and a building permit. ADUs or JADUs developed outside of the coastal zone shall obtain a building permit.
 - 3. The city shall approve or deny an application to create an ADU or a JADU within the time period specified under California Government Code Section 66317.
 - 4. The city shall not deny an application for a permit to create an ADU or a JADU due to the correction of 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 as specified under California Government Code Section 66322.
 - 5. If the city denies an application for an ADU or a JADU, the city shall supply in writing 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 within the time period specified under California Government Code Section 66317.
 - 6. 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.
 - 7. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new one-family dwelling, two-family dwelling or multiple-family dwelling on the lot, the city may delay acting on the permit application for the ADU or the JADU until the city acts on the permit application to create the new one-family dwelling, two-family dwelling or multiple-family dwelling, but the application to create the

ADU or JADU shall be considered without discretionary review or public hearing. If the applicant requests a delay, the time period specified under California Government Code Section 66317, shall be tolled for the period of the delay.

C. Residential Use and Density. ADUs and JADUs, complying with the requirements of this section (21.10.030) and California Government Code Sections 66314, 66319, and 66324:

1. Shall be considered accessory residential uses or accessory residential buildings that are consistent with the general plan or zoning designations for the lot; and
2. Shall not be considered to exceed the allowable density for the lot upon which they are located.

D. Number and Location.

1. ADUs shall be permitted in zones that allow one-family dwellings, two-family dwellings, multiple-family dwellings, and mixed-use (residential uses in combination with non-residential uses), provided there is an existing or proposed dwelling on the lot where the ADU is proposed, as specified in California Government Code Section 66314. Refer to the applicable zone's Permitted Uses table within this Title (Title 21 Zoning).
2. For zones that allow one-family dwellings, one JADU shall be permitted with an associated existing or proposed one-family dwelling. Refer to a specific zone's Permitted Uses table within this Title.
3. The location of the ADU shall provide access to adequate water and sewer services pursuant to the city's current engineering standards.
4. The number and location of ADUs or JADUs on a lot shall be subject to this Code and California law, including Government Code Sections 66314, 66321, 66323, and 66333.

E. Other Requirements and Standards. ADUs and JADUs shall comply with all the following requirements and standards:

1. ADUs and JADUs shall comply with the development requirements and standards of California Government Code Section 66310 et seq.
2. If there is a conflict with applicable development requirements and standards of this code and with California Government Code and the coastal resource and public access protection requirements of the

certified local coastal program, the California Government Code and coastal resource and public access protection requirements of the certified local coastal program shall prevail.

3. The maximum size of an ADU or JADU shall be limited and consistent with California Government Code Sections 66313, 66314, 66321 and 66323:
 - a. Attached ADUs – 50% of the total floor area of the main dwelling or 1,200 square feet, whichever is less, but not less than 800 square feet. This limit applies to attached ADUs that include construction of new square footage.
 - b. Conversion ADUs – Must be contained entirely within an existing or proposed main dwelling or accessory structure that is subject to the underlying zone’s lot coverage requirements.
 - c. Detached ADUs – 1,200 square feet. This limit applies to one-family dwelling lots. Maximum size of ADUs on two-family and multiple-family dwelling lots is regulated by California Government Code Section 66323.
 - d. JADUs – 500 square feet
4. The maximum height of an ADU or JADU shall be limited as follows, consistent with California Government Code Sections 66313, 66314 and 66321:
 - a. A detached ADU on a lot with an existing or proposed one-family, two-family or multiple-family dwelling unit shall be allowed a height up to 16 feet.
 - b. A detached ADU on a lot with an existing or proposed one-family, two-family, or multiple-family dwelling unit that is within one-half mile walking distance of a major transit stop (e.g. Carlsbad Village Station or Poinsettia Station) or a high-quality transit corridor as defined in California Public Resources Code Section 21155, shall be allowed a height up to 18 feet. An additional two feet in height, a 20 feet maximum, is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling.
 - c. A detached ADU on a lot with an existing or proposed two-family or multiple-family, multistory dwelling unit shall be allowed a height up to 18 feet.
 - d. An attached ADU is allowed a height up to 25 feet, or the height limits of the applicable zoning for the primary dwelling, whichever is higher, but not to exceed two stories.

- e. An ADU constructed above or below a detached garage shall be permitted and shall conform to the height limits applicable to the zone. An ADU located above or below a detached garage shall be limited to a maximum of one-story, a combined two stories maximum.
 - f. A JADU is contained within a one-family dwelling unit and subject to the height requirements of the one-family dwelling unit's underlying zone.
- 5. Roof decks shall not be permitted on detached or attached ADUs.
- 6. The construction of an ADU or JADU that is all new construction, or is a conversion of a portion or all of an existing structure, or expands the square footage of an existing structure, shall be consistent with all habitat preserve buffers, geologic stability setbacks, and visual resource protection policies in the city's certified local coastal program, habitat management plan, general plan, and geotechnical report, as applicable.
- 7. Except for qualifying ADUs and JADUs as defined by California Government Code Section 66323, the exterior roofing, trim, walls, windows and the color palette of the ADU or JADU on lots with one-family dwelling(s) shall incorporate the same features as the primary dwelling unit. In no case shall the features of the roofing, trim, walls or windows preclude the ADU or JADU from complying with the California Building Standards Code.
- 8. On lots with two-family or multiple-family dwellings, the exterior roofing, trim, walls, windows and the color palette of the ADU addition shall incorporate the same features as the existing building. For detached ADUs, the addition shall be reflective of the nearest building as measured from the wall of the existing building to the nearest wall of the proposed unit, unless the ADU is compliant with California Government Code Section 66323. In no case shall the features of the roofing, trim, walls or windows preclude the ADU from complying with the California Building Standards Code.
- 9. Parking.
 - a. An ADU shall provide off-street parking in compliance with Chapter 21.44 (Parking) of this Code, unless it qualifies for an exemption as specified in California Government Code Sections 66314 or 66322.

- b. No off-street parking is required for a JADU if it meets the requirements specified in California Government Code Section 66334.
 - c. 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, the loss of parking does not need to be replaced, except on lots located west of the rail corridor and on lots located east of the rail corridor and west of Interstate 5 between Avenida Encinas to the north and Batiquitos Lagoon to the south. When required, the loss of parking shall be replaced subject to the parking requirements in Chapter 21.44 (Parking) of this Code, except as follows:
 - i. The replacement parking spaces may be covered, uncovered, or tandem spaces, or provided by the use of mechanical automobile parking lifts within a garage; and may be located in the front, side or rear yard, provided the parking area is an improved parking surface, such as paving, hardscape, decomposed granite, etc.
 - ii. The location of the replacement parking spaces shall be consistent with all habitat preserve buffers, geologic stability setbacks, and visual resource protection policies in the certified local coastal program.
10. ADUs intended to satisfy an inclusionary requirement shall comply with the requirements of Chapter 21.85 (Inclusionary Housing) of this Code, including, but not limited to, the applicable rental rates and income limit standards.
11. A Deed Restriction shall be recorded on the property signed by all property owners or a designated agent authorized to bind the owners, for all JADUs in one-family residential zones, which shall run with the land, declaring that:
- a. The owners of the property are prohibited from selling the JADU separate from the sale of the one-family residence.
 - b. California Government Code, Title 7, Division 1, Chapter 13, Article 3 restricts the size and attributes of the JADU to conform to that article.
 - c. This Deed Restriction may be enforced against any future purchasers.

12. An ADU may be sold separately from the primary dwelling only in limited situations pursuant to California Government Code Sections 66340-66342.

10. Carlsbad Municipal Code Section 21.45.090 Table F is amended as shown below:

21.45.090 Residential additions and accessory uses.

Table F

Residential Additions and Accessory Uses to One-Family Dwellings and Twin-Homes on Small Lots

Addition/Accessory Use	Minimum Front Yard Setback	Minimum Side and Rear Yard Setbacks
Attached/detached patio covers	10 feet to posts (2-foot overhang permitted)	5 feet to posts (2-foot overhang permitted)
Non-habitable detached accessory buildings/structures (e.g., garages, workshops, decks over 30 inches in height) ^{(1), (2)}	20 feet	5 feet
Habitable detached accessory buildings (e.g. guest houses) ⁽²⁾⁽³⁾	Same setbacks as required for the primary dwelling ⁽³⁾	
Habitable detached and attached ADUs & JADUs	Refer to Section 21.10.030 of this Code for all applicable ADU & JADU regulations	
Additions to dwelling (attached)	Same setbacks as required for the dwelling	

Notes:

- (1) Maximum building height is 1 story and 14 feet with a 3:12 roof pitch or 10 feet with less than a 3:12 roof pitch.
- (2) Must incorporate the same architectural features and color palette as the primary dwelling unit.
- (3) Refer to the underlying zone's setback requirements for the primary dwelling(s).

11. Carlsbad Municipal Code Section 21.48.020(B)(2) is amended to read as follows:

When an accessory dwelling unit or junior accessory dwelling unit is proposed on a lot with an existing nonconforming residential structure that is nonconforming with regard to geologic setback, public view encroachment, coastal access, or habitat

preserve buffers, and development of the proposed accessory dwelling unit or junior accessory dwelling unit does not result in redevelopment of the nonconforming residential structure. Pursuant to California Government Code Chapter on Accessory Dwelling Units (California Government Code Section 66310 et seq.), the city shall not require, as a condition for approval of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions, except where the accessory dwelling unit or junior accessory dwelling unit is located in the coastal zone and is attached to the nonconforming residential structure that is nonconforming with regard to geologic setback, public view encroachment, coastal access, or habitat preserve buffers, and will result in redevelopment of the nonconforming structure. For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or junior accessory dwelling unit that consist of: (a) additions to an existing structure; or (b) exterior or interior renovations; or (c) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of fifty percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a fifty percent increase in gross floor area.

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES OUTSIDE THE COASTAL ZONE: This ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES INSIDE THE COASTAL ZONE: This ordinance shall be effective thirty days after its adoption or upon Coastal Commission approval of LCPA 2025-0023, whichever occurs later; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 27th day of January, 2026, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 3rd day of February, 2026, by the following vote, to wit:

AYES: Blackburn, Bhat-Patel, Acosta, Burkholder, Shin.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:

Cindie McMahon
CINDIE K. McMAHON, City Attorney

[Signature]
KEITH BLACKBURN, Mayor

Morgen Fry for
SHERRY FREISINGER, City Clerk
(SEAL)

