

ORDINANCE NO. 631

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA AMENDING TITLE 13, CHAPTER 10, SECTION 045 OF THE SANTEE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, the City of Santee, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

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

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law; and

WHEREAS, new updates to state ADU law take effect on January 1, 2026, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the most recent changes to state law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to state law; and

WHEREAS, on December 10, 2025, the City Council held a duly-noticed Public Hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance and (2) the policy considerations discussed therein; and

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

NOW, THEREFORE, the City Council of the City of Santee, California does ordain as follows:

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

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

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

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SECTION 4. Code Amendment. Section 13.10.045 of the Santee Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. Effective Date. This Ordinance takes effect 30 days after its adoption.

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

SECTION 7. Publication. The City Clerk is directed to certify the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at Santee City Hall, City Clerk's Office, 10601 Magnolia Avenue, Building 3, Santee, CA 92071.

SECTION 9. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 10th day of December 2025, and thereafter **ADOPTED** at a Regular Meeting of the City Council held on this 14th day of January 2026, by the following vote to wit:

AYES: HALL, KOVAL, MCNELIS, MINTO, TROTTER

NOES: NONE

ABSENT: NONE

APPROVED:



JOHN MINTO, MAYOR

ATTEST:



JAMES JEFFRIES, CITY CLERK

Attachment: Exhibit A

Chapter 13.10. RESIDENTIAL DISTRICTS

§13.10.045. Accessory dwelling units.

- A. Purpose. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
- B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in subsection (C)(10) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. Definitions. As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. "Attached accessory dwelling unit" means an attached ADU that shares at least one wall with the primary dwelling.
 4. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 5. "Detached accessory dwelling unit" means a detached ADU that does not share any wall with the primary dwelling.
 6. "Efficiency kitchen" means a kitchen that includes each of the following:
 - a. A cooking facility with appliances.

- b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the ADU or JADU.
7. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet of interior livable space in size.
 - b. It is contained entirely within an existing or proposed single-family residence. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family residence.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.
 - d. Contains its own separate bathroom or, if it does not include a separate bathroom, contains an interior entrance to the main living area of the existing or proposed single-family residence.
 - e. Contains an exterior entrance that is separate from the main entrance to the proposed or existing single-family residence.
 - f. It includes an efficiency kitchen, as defined in subsection (C)(6) above.
 8. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
 9. "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.
 10. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 11. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
 12. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 13. "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.
 14. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- D. General Provisions. The following requirements apply to all ADUs and JADUs that are approved under subsections **(F)** and **(G)** below.
1. Zoning.
 - a. An ADU or JADU subject only to the limited requirements in subsection **(F)** below may be created on a lot in a residential or mixed-use zone.
 - b. An ADU or JADU subject to the requirements in subsection **(G)** below may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

- c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
2. Fire Sprinklers. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
4. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
5. Building and Safety.
 - a. Subject to subsection (D)(5)(b) below, all ADUs and JADUs must comply with all local building code requirements.
 - b. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Compliance officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (D)(5)(b) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
6. Owner Occupancy.
 - a. ADUs are not subject to an owner-occupancy requirement.
 - b. JADUs
 - i. Generally. As required by state law, JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.
 - ii. Exceptions. The owner-occupancy requirement in this subsection (D)(6)(b) does not apply in either of the following situations:
 - (A) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).
 - (B) The property is entirely owned by another governmental agency, land trust, or housing organization.
7. Height.
 - a. Except as otherwise provided by subsections (D)(7)(b) and (D)(7)(c) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
 - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to

two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- d. An attached ADU may not exceed the maximum height limit for the applicable zone, as provided in the table below.

Residential District	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
Maximum Height	35 feet (two stories)	35 feet (two stories)	35 feet (two stories)	35 feet (two stories)	35 feet (three stories)	45 feet (four stories)	55 feet (five stories)	55 feet (five stories)

- e. For purposes of this subsection (D)(7), height means the vertical distance, excluding foundations or understructures or basements, between the elevation of the finished floor level and the peak of the structure. For purposes of this subsection (D)(7), "finished floor level" means the uppermost surface of a floor without any applied finishes, typically the screed finish of a concrete slab or foundation. Multiple finished floor levels may exist in a building or complex of buildings on a site depending on topographical conditions, however the height calculation shall be based on the maximum length between a finished floor level of a structure and the highest point of that structure (see diagram below).



8. Deed Restriction. Prior to issuance of a certificate of occupancy for an JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
 - a. The JADU may not be sold separately from the primary dwelling.
 - b. The JADU is restricted to the approved size and to other attributes allowed by this section.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - e. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.
9. Certificate of Occupancy Timing.
 - a. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
 - b. Limited Exception for State-declared Emergencies. Notwithstanding subsection (D)(9)(a) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:
 - i. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.
 - ii. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
 - iii. The ADU has been issued construction permits and has passed all required inspections.
 - iv. The ADU is not attached to the primary dwelling.

E. Action on Building Permit Application.

1. Applications to create an ADU or JADU in accordance with this section will be considered and approved ministerially, without discretionary review or a hearing.
2. Completeness.
 - a. Determination in 15 days. The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.
 - b. Incomplete items. If the city's determination under subsection (E)(2)(a) above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

- c. Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.
 - d. Subsequent submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.
 - e. Deemed complete. If the city does not make a timely determination as required by this subsection (2), the application or resubmitted application is deemed complete for the purposes of subsection (E)(3) below.
 - f. Appeal of incompleteness. An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The city council will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
3. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 4. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (E)(3) above.
 5. An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The city council will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
 6. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

F. ADUs and JADUs Subject to Limited Requirements.

1. If an ADU or JADU complies with each of the general requirements in subsection **D** above, it is allowed with only a building permit in each of the scenarios provided in this subsection (F)(1). An ADU and JADU approved under subsection (F)(1)(a) may be combined with an ADU approved under subsection (F)(1)(b), and ADUs approved under subsection (F)(1)(c) may be combined with ADUs approved under subsection (F)(1)(d):

- a. Converted on Lot with Single-Family Residence. One ADU as described in this subsection (F)(1)(a) and one JADU on a lot with a proposed or existing single-family residence on it, where the ADU or JADU:
 - i. Is either: within the space of a proposed single-family residence; within the existing space of an existing single-family residence; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - ii. Has exterior access that is independent of that for the single-family residence.
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - iv. The JADU complies with the requirements of Government Code Section 66333 through 66339.
 - b. Limited Detached or Attached on Lot with Single-Family Residence. One detached or attached, new-construction ADU on a lot with a proposed or existing single-family residence (in addition to any JADU that might otherwise be established on the lot under subsection (F)(1)(a) above), if the ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height does not exceed the applicable height limit provided in subsection (D)(7) above.
 - c. Converted on Multifamily Lot. One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (F)(1)(c), at least one converted ADU is allowed within an existing multifamily dwelling, and up to 25% of the existing multifamily dwelling units may each have a converted ADU under this paragraph.
 - d. Limited Detached on Multifamily Lot. No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - ii. The peak height does not exceed the applicable height limit provided in subsection (D)(7) above.
 - iii. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.
- G. ADUs Subject to Additional Objective Requirements. A proposed ADU that does not conform to the standards set forth in subsection **(F)** is allowed with only a building permit if it complies with all of the objective standards set forth below.
- 1. Maximum Size.
 - a. The maximum size of a detached or attached ADU subject to this subsection (G) is 850 square feet of interior livable space for a studio or one-bedroom unit and 1,000 square feet of interior livable space for a unit with two or more bedrooms.
 - b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - c. Application of other development standards in this subsection **(G)**, such as lot coverage or open space, might further limit the size of the ADU, but no application of lot coverage, front

setback, or open-space requirements may require the ADU to be less than 800 square feet.

2. Setbacks.

- a. An ADU that is subject to this subsection **(G)** must conform to the applicable front yard setback as provided in the table below, subject to subsection (G)(1)(c) above.

Residential District	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
Front Setbacks (in feet)	30	20	20	20	20	10	10	10

- b. An ADU that is subject to this subsection **(G)** must conform to four-foot side- and rear-yard setbacks.
- c. No setback is required for an ADU that is subject to this subsection **(G)** if the ADU is constructed in the same location and to the same dimensions as an existing structure.

- 3. Lot Coverage. No ADU subject to this subsection **(G)** may cause the total lot coverage of the lot to exceed the maximum for the applicable zone, as shown in the table below, subject to subsection (G)(1)(c) above.

Residential District	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
Maximum Lot Coverage	25%	30%	35%	40%	55%	60%	70%	75%

- 4. Minimum Private Open Space. No ADU subject to this subsection **(G)** may cause the total percentage of open space of the lot to fall below the minimum for the applicable zone, as shown in the table below, subject to subsection (G)(1)(b) above.

Residential District	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
Private Open Space (in sq. feet per unit)	—	—	—	—	100	100	60	60

- 5. Passageway. No passageway, as defined by subsection (C)(10) above, is required for an ADU.

6. Parking.

- a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(14) above.
- b. Exceptions. No parking under subsection (G)(6)(a) is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(13) above.
 - 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 an accessory structure under subsection (F)(1)(a) above.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (G)(6)(b)(i) through (v) above.

- c. No Replacement. When a garage, carport, or covered parking structure 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.
 - d. Parking Space Size. Each unclosed parking space shall be at least nine feet wide and 19 feet long. Each parking space that is provided in an enclosed garage shall be at least 12 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.
7. Historical Protections. The architectural treatment of an ADU to be constructed on or within 600 feet of a lot that has an identified historical resource listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

H. Fees.

1. Impact Fees.

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (**H**), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code Section 66000(b)) and a fee under the Quimby Act (Gov. Code Section 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)
- c. All applicable development impact fees for an ADU proposed to be constructed on a lot with a proposed or existing single family residence shall be waived for a five-year trial period, commencing on September 27, 2019, and ending on September 27, 2024.
- d. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.

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

- 1. Generally. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- 2. Unpermitted ADUs Constructed Before 2020.
 - a. Permit to Legalize. As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - i. The ADU or JADU violates applicable building standards, or
 - ii. The ADU or JADU does not comply with the state ADU or JADU law or this ADU ordinance (Santee Municipal Code Section **13.10.045**).
 - b. Exceptions:
 - i. Notwithstanding subsection (I)(2)(a) above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
 - ii. Subsection (I)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.