ORDINANCE NO. O-2025-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA AMENDING CHAPTER 23.73 OF THE PLACENTIA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW

City Attorney's Summary

This Ordinance amends Chapter 23.73 of Title 23 (Zoning) of the Placentia Municipal Code regarding Accessory Dwelling Units and Junior Accessory Dwelling Units to be in compliance with changes to state law.

WHEREAS, on February 19, 2019, the City Council adopted Ordinance No. O-2019-01, creating regulations for accessory dwelling units in accordance with state law; and

WHEREAS, in 2019 the State Legislature adopted more than eighteen bills related to housing, many of which provided additional amendments to state accessory dwelling unit and junior dwelling unit regulations; and

WHEREAS, on February 4, 2020, the City Council adopted Ordinance No. O-2020-01 to be in compliance with the recent amendments to the Government Code regarding accessory dwelling unit and junior accessory dwelling unit; and

WHEREAS, since the time of the adoption of Ordinance No. O-2019-01, the state has made additional amendments to the Government Code relating to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, this Ordinance is amending Chapter 23.73, Accessory and Junior Accessory Dwelling Units, of the Placentia to Municipal Code to be in compliance with all of the changes made to state law regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, on June 10, 2025, the Planning Commission of the City of Placentia held a duly noticed public hearing at which time it considered all evidence presented, whether written or oral; and

WHEREAS, after the close of the public hearing the Planning Commission recommended that the City Council adopt this Ordinance; and

WHEREAS, on July 1, 2025, the City Council of the City of Placentia held a duly noticed public hearing at which time it considered all evidence presented, whether written or oral; and

WHEREAS, the City desires to amend its regulations to comply with State law.

NOW, THEREFORE, THE CITY OF PLACENTIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment. Chapter 23.73 of the Placentia Municipal Code is hereby amended in its entirety and replaced with Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. CEQA. This Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15282(h) which provides a statutory exemption for the adoption of an ordinance regarding accessory dwelling units to implement the provisions of the Government Code. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in the Government Code. Therefore, this Ordinance is categorically exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not have any significant impacts on the environment.

SECTION 3. Effective Date. This Ordinance shall take effect on the 31st day after adoption.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

SECTION 6. Transmission to HCD. The Director of Development Services shall send a copy of this Ordinance to the Department of Housing and Community Development as required by State law.

INTRODUCED at a regular meeting of the City Council of the City of Placentia held on the 1st day of July 2025.

PASSED, APPROVED AND ADOPTED this 15th day of July 2025.

Kevin Kirwin, Mayor

ATTEST:

Robert S. McKinnell, City Clerk

CITY OF PLACENTIA INCORPORATED DEC 2, 1926 CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Placentia, held on the 1st day of July 2025 and adopted at a regular meeting of the City Council of the City of Placentia, held on the 15th day of July 2025 by the following vote:

AYES:	Councilmembers:	Hummer, Smith, Yamaguchi, Wanke, Kirwin
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney

EXHIBIT "A"

CHAPTER 23.73 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

CHAPTER 23.73
ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

§ 23.73.010. Purpose.

This chapter is intended to establish ministerial regulations consistent with Government Code Sections 66310 through 66342 in a manner which properly balances the city's goals of: (1) expanding the mix of housing opportunities in the city by encouraging the establishment of accessory dwelling units within the city; and (2) maintaining the character of residential neighborhoods by regulating how accessory dwelling units may be built. If there is any inconsistency between the terms of this chapter and mandatory requirements of state law, the mandatory requirements of state law shall control, but only to the extent legally required.

§ 23.73.020. Definitions.

For purposes of this chapter, words and phrases defined in Government Code Sections 66310 through 66342 shall have the same meaning when used in this chapter.

§ 23.73.030. Ministerial review for junior and accessory dwelling units.

Applications for junior and accessory dwelling units shall be ministerially processed within sixty (60) days of receipt of a complete application and approved if they meet the requirements of this chapter.

(1) The city shall grant a delay if requested by the applicant.

(2) If the application is submitted in conjunction with an application for a new single-family or multi-family residential dwelling, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family or multi-family residential dwelling is approved, but thereafter shall be ministerially approved within sixty (60) days if it meets all requirements of this chapter.

(3) If the application is denied, the city shall return a full set of comments in writing to the applicant with a list of items that are defective or deficient with a description of how the application can be remedied by the applicant. These comments shall be provided to the applicant within sixty (60) days of a complete application.

(4) If a detached garage is to be replaced with an accessory dwelling unit, the demolition permit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

(5) Notwithstanding the above, if the applicant uses a plan for an accessory dwelling unit that has been preapproved by the city or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the city within the current triennial California Building Standards Code cycle, the application shall be approved or denied within 30 days from the date of a complete application.

§ 23.73.040. Accessory dwelling units permitted use.

An accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages, carports, covered parking or uncovered parking spaces. Notwithstanding any other provision of this title to the contrary, accessory dwelling units are a ministerially permitted use in any single family, multi-family, and mixed-use zones, and in areas of Specific Plans and other areas that allow for residential uses, subject to development in accordance with this chapter. Junior accessory dwelling units are a ministerially permitted use only in a single-family zone.

§ 23.73.050. Submittal requirements.

Each application for an accessory dwelling unit shall comply with the following requirements:

(1) Fees. The applicant must pay all required fees which may be set by the city council by resolution, including, but not limited to, fees for staff to review the project, permit and inspection fees.

(2) Application Contents. The application shall include the following documents, which shall be reviewed and approved by the director of development services or designee:

(A) Plot Plan (Drawn to Scale). Three (3) sets of plans, including plot plans, elevations and landscape plans. The plans shall be drawn to scale and shall indicate clearly, and with full dimensioning, the following information:

(i) Lots;

(ii) Setbacks;

(iii) Rights-of-way;

(iv) Building envelopes of current and proposed buildings and structures;

(v) Paved areas;

(vi) Location, size, height, materials, colors, and proposed use of buildings and structures;

(vii) Yards and space between buildings;

(viii) Walls and fences; location, height, materials and color;

(ix) Off-street parking delineated as to: location, number of spaces and dimensions of parking area;

(x) Grading and drainage plans.

(B) Floor Plans. Complete floor plans of both existing and proposed conditions. The dimensions of each room shall be provided, along with the resulting floor area calculation. The use of each room shall be labeled. The size and location of all doors, closets, walls and cooking facilities shall be clearly depicted.

(C) Elevations. North, south, east, and west elevations that show all exterior structure dimensions, all architectural projections, and all openings for both the existing residence and the proposed accessory dwelling unit.

§ 23.73.060. Development standards.

(1) Underlying Zoning. Accessory dwelling units shall comply with all of the development standards for a new residential dwelling unit in the zone in which the accessory dwelling unit is to be located, including, but not limited to, setbacks, height, and lot coverage unless otherwise addressed by this chapter, or contrary to state law.

(2) The following standards shall also apply:

(A) Floorspace.

(i) The total area of floorspace of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing primary dwelling unit. For a new construction primary dwelling unit, an attached accessory dwelling unit shall not exceed eight hundred fifty (850) square feet for a zero to one bedroom unit, or one thousand (1,000) square feet for a two or more-bedroom unit.

(ii) The total area of floorspace of a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet.

(iii) The minimum floorspace requirements shall allow an efficiency unit, as defined in Health and Safety Code Section 17958.1.

(B) Setbacks.

(i) Front yard setbacks shall comply with the requirement of the zone in which the accessory dwelling unit is to be located, unless doing so would prohibit the construction of at least an eight hundred (800) square foot accessory dwelling unit. The first priority placement shall be in the rear of the property, developed in compliance with the setbacks in this chapter. If proposed at the front of the property, the front setback shall be maximized to the extent allowed by these requirements.

(ii) Side and rear yard setback requirements shall be four (4) feet.

(iii) If an accessory dwelling unit is built in the same location and to the same dimensions as an existing garage or other accessory structure, then no setback is required beyond that which exists for the existing garage or accessory structure.

(C) Distance Between Buildings. The minimum required distance between a detached secondary dwelling unit and the primary dwelling unit, and all other structures, including garages, on the property, shall be ten (10) feet, unless it would prohibit the construction of an up to eight hundred (800) square foot accessory dwelling unit. The distance separation does not apply to existing structures converted to an accessory dwelling unit.

(D) Height. An accessory dwelling unit shall comply with the following height requirements:

(i) A height of sixteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.

(ii) A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit shall be allowed.

(iii) A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multistory dwelling.

(iv) A height of twenty-five feet or the height limitation in the zone that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. If the existing primary dwelling is a two-story structure, the attached accessory dwelling unit may also be two-stories, subject to the height limitations herein.

(E) Architecture. The accessory dwelling unit shall be compatible with and complement the architectural style of the primary dwelling. The entrance to the accessory dwelling unit shall not be clearly visible from the street adjacent to the property or on the same side as the entrance to the primary dwelling unit, unless it would prohibit the construction of an eight hundred (800) square foot accessory dwelling unit.

(F) Parking. In general, one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to the existing parking for the primary residence. This required parking space may be covered or uncovered and shall meet

all parking space location, dimension, and surfacing requirements as outlined in Chapter 23.78, except as modified herein. The space may be provided as tandem parking on an existing driveway, provided the parking space blocks no more than one (1) other required parking space and may be provided in other setback areas. When a garage, carport, covered parking structure or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, no replacement parking for the primary structure shall be required. A parking space for an accessory dwelling unit shall not be required in any of the following instances:

(i) The accessory dwelling unit is located within one-half (1/2) mile walking distance of public transit. For these purposes, "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.

(ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(iii) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(iv) When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit.

(v) When there is a car share vehicle located within one (1) block of the accessory dwelling unit. For these purposes, "car share vehicle" means a motor vehicle that is to park in parking spaces designated for the exclusive use of car share vehicles, operated as part of a regional fleet by a public or private car sharing company or organization, and provides hourly or daily service.

(vi) When a permit application for an accessory dwelling unit 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 accessory dwelling unit or the parcel satisfies any other criteria listed in this chapter.

(G) Entrances. No more than one (1) exterior entrance on any one (1) side of the accessory dwelling unit is allowed.

(H) Stairways. No exterior stairways to the accessory dwelling unit may be clearly visible from any street immediately adjacent to the property.

(I) Primary Unit Development Standards. The primary unit shall continue to comply with the minimum standards applicable to the primary dwelling unit in the zone, except as may be modified by this chapter.

(J) Utilities.

(i) All utility installations shall be placed underground.

(ii) Water and sewer service to the site and the accessory dwelling unit shall be adequate.

(iii) For an accessory dwelling unit contained within an existing single-family home or an existing accessory structure meeting the requirements of Section 23.73.080(a)(1) below, the city shall not require the installation of a new or separate utility connection between the accessory dwelling unit and the utility or impose a connection fee or capacity charge. Such requirements may be imposed when the accessory dwelling unit is being proposed with a new single- family home.

(iv) For all other accessory dwelling units other than those described in subsection (iii) above, the city shall require a new or separate utility connection between the accessory dwelling unit and the utility and shall charge a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit based on the square foot or the number of drainage fixture units.

(K) Legal Lot. The accessory dwelling unit will be on a lot that has been legally created.

(L) Except as otherwise allowed in this chapter, only one attached accessory dwelling unit and one junior accessory dwelling shall be allowed per single-family residential unit.

(M) Accessory dwelling units shall comply with all applicable building standards code requirements. However, fire sprinklers shall not be required in any accessory dwelling unit if they were not required in the primary unit. Creation of an accessory dwelling unit shall not trigger fire sprinklers to be installed in existing multi-family dwelling units.

(N) Exception for an ADU Within an Existing Structure. If the following requirements of this subsection are met, then an accessory dwelling unit need not comply with lot coverage requirements, maximum height requirements, the requirement to provide a parking space, and the setback requirement shall be only the minimum required to comply with applicable fire safety standards. All other code requirements continue to apply:

(i) The proposed accessory dwelling unit is proposed to be entirely within a lawfully existing accessory structure.

(ii) The accessory dwelling has exterior access which is independent from the existing residence.

(O) ADU Does Not Exceed Density. When determining whether a lot exceeds the maximum permissible number of dwelling units on the lot, an accessory dwelling unit that conforms to the standards of this chapter shall not be considered a dwelling unit for purposes of that calculation. Additionally, the accessory dwelling unit shall be considered to be consistent with the existing general plan and zoning for the lot.

§ 23.73.070. Additional requirements.

Accessory dwelling units shall also be subject to the following requirements:

(1) Additions. Any additions to an accessory dwelling unit shall meet the requirements of this chapter.

(2) Impact Fees. Notwithstanding any fee resolution to the contrary:

(A) No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size.

(B) For accessory dwelling units seven hundred fifty (750) square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

(C) All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Government Code Sections 66000 et seq. and 66012 et seq.

(D) For purposes of this section, "impact fee" shall have the same meaning as set forth in Government Code Section 66324(c)(2).

(3) Restrictions. The following restrictions shall apply to all accessory units:

(A) The accessory dwelling unit shall not be sold separately from the primary residence unless constructed pursuant to Government Code Sections 66340 and 66341.

(B) Rentals of the accessory dwelling unit and the primary unit shall have a contract length of at least thirty-one (31) days.

(C) The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for compliance with the requirements for an accessory dwelling unit.

(4) Building Code Violations.

(A) No application or permit shall be denied for an accessory dwelling unit or junior accessory dwelling unit that was constructed prior to January 1, 2020, based on either of the following:

(i) The ADU is in violation of building standards pursuant to Article 1 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (commencing with Section 17960); or

(ii) The ADU does not comply with state law or the provisions of this chapter.

(B) The provisions of subsection A shall not apply if the city makes a finding that correcting the violation is necessary to comply with the standards specified in Health and Safety Code Section 17920.3 or if the building is deemed substandard pursuant to Health and Safety Code Section 17920.3.

(C) Before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

(D) Upon receiving an application to permit a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, an inspector from the city may inspect the unit for compliance with health and safety standards and provide recommendations to comply with such standards in order to obtain a permit. The city shall not penalize an applicant for having the unpermitted junior or accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

(E) No impact fees or connection or capacity charges shall be imposed on a homeowner applying for a permit for a previously unpermitted junior or accessory dwelling unit built before January 1, 2020, except when the utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and authorized by Government Code Section 66324(e).

(5) Enforcement. Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that provides substantially as follows:

You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the city development services department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five (5) years from the date of the original notice.

(6) A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

§ 23.73.080. Mandatory approvals.

(1) Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed- use zone:

(A) A junior and/or accessory dwelling unit within the existing or proposed space of a single- family dwelling or accessory structure.

(i) An expansion of up to one hundred fifty (150) square feet shall be allowed in an accessory structure solely for the purposes of accommodating ingress and egress.

(ii) The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.

(iii) The side and rear setbacks shall be sufficient for fire and safety.

(iv) If the unit is a junior accessory dwelling unit, it shall comply with the requirements of Section 23.73.090 below.

(B) One detached accessory dwelling unit that does not exceed four (4) foot side and rear yard setbacks on a lot with an existing or proposed single-family dwelling, provided that the unit shall not be more than eight hundred (800) square feet and shall comply with the height limitation as set forth in section 23.73.060(b)(4) above. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit and shall comply with all requirements of Section 23.73.090 below.

(C) On a lot with a multifamily dwelling structure, up to twenty-five (25) percent of the total multifamily dwelling units, but no less than one (1) unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

(D) On a lot with an existing or proposed multifamily dwelling structure, detached accessory dwelling units as set forth in (A) and (B) below, provided that complies with the height limitations in section 23.73.060(b)(4) above and has at least four (4) foot side and rear yard setbacks. If the existing multifamily dwelling has a rear or side setback of less than four (4) feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approval.

(i) On a lot with an existing multifamily dwelling, not more than eight (8) detached accessory dwelling units. The total number of detached accessory dwelling units shall not exceed the number of existing units on the lot.

(ii) On a lot with a proposed multifamily dwelling, not more than two (2) detached accessory dwelling units.

For those accessory dwelling units which require mandatory approval, the city shall not require the correction of legal, nonconforming zoning conditions.

§ 23.73.090. Junior accessory dwelling units.

(1) One junior accessory dwelling unit shall be allowed in a single-family residential zone within the footprint of an existing or proposed single-family dwelling, including attached garage, not exceeding five hundred (500) square feet.

(2) The junior accessory dwelling unit shall be required to contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

(3) The junior accessory dwelling unit shall be required to have a separate entrance from the primary residence.

(4) The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family residence and shall have direct access to the single-family residence from the interior of the junior accessory dwelling unit.

(5) No additional parking shall be required for a junior accessory dwelling unit.

(6) A junior accessory dwelling unit shall be required to comply with applicable building standards.

(7) The owner of property on which a junior accessory dwelling unit is constructed shall be required to record a deed restriction which shall run with the land and shall provide for the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence.

(B) A restriction that prohibits the junior accessory dwelling unit from being enlarged beyond five hundred (500) square feet.

(C) A restriction from renting the junior accessory dwelling unit or the primary residence for less than thirty (31) consecutive, calendar days.

(D) A restriction that the owner resides in either the primary residence or the junior accessory dwelling unit. Notwithstanding the foregoing:

(i) The owner may rent both the primary residence and junior accessory dwelling unit to one party with a restriction in the lease that that such party may not further sublease any unit or portion thereof.

(ii) This restriction shall not apply if the owner of the single-family residence is a governmental agency, land trust, or housing organization.

(E) A statement that the deed restrictions may be enforced against future purchasers. A copy of the recorded deed restriction shall be filed with the community development department.

(8) For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

(9) For those accessory dwelling units which require mandatory approval, the City shall not require the correction of legal, nonconforming zoning conditions, including building code violations or unpermitted structures unless the structure falls within 23.73.070(4).

(10) Fees. The applicant must pay all required fees which may be set by the city council by resolution, including, but not limited to, fees for staff to review the project, permit and inspection fees.