ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333 – ACCESSORY DWELLING UNITS (#24-CA01)

WHEREAS, accessory dwelling units ("ADUs") were formerly referred to as "second units," "accessory apartments," "accessory dwellings," "mother-in-law units," or "granny flats" and are additional living quarters that are independent of the primary dwelling unit; and

WHEREAS, in 2016, the State Legislature passed Assembly Bill No. 2299 (Bloom) and Senate Bill No. 1069 (Wieckowski) amending California Government Code Section 65852.2 related to ADUs, which took effect on January 1, 2017; and

WHEREAS, in October 2017, the State Legislature passed Senate Bill 229 (Wieckowski) and Assembly Bill 494 (Bloom) which further amended California Government Code Section 65852.2 to clarify ADU requirements, which took effect on January 1, 2018; and

WHEREAS, the intent of the above-described legislation is to reduce barriers to the approval of ADUs; and

WHEREAS, the City Council approved Ordinance No. 2019-07 in September of 2019, which amended Claremont Municipal Code Chapter 16.333, now entitled "Accessory Dwelling Units" in order to comply with State legal requirements applicable at that time; and

WHEREAS, in October of 2019, the State Legislature passed Assembly Bill No. 68 (Ting), Assembly Bill No. 881 (Bloom), and Senate Bill No. 13 (Wieckowski) amending California Government Code Section 65852.2 related to ADUs, which took effect on January 1, 2020; and

WHEREAS, the intent of the above-described legislation is to further reduce barriers to the approval of ADUs; and

WHEREAS, the City Council approved Ordinance No. 2020-02 in February of 2020, which amended Claremont Municipal Code Chapter 16.333, Accessory Dwelling Units in order to comply with State legal requirements applicable at that time; and

WHEREAS, since September 2020, the State has enacted several amendments to the State's ADU laws that now require further amendments to the City's ADU regulations, including: Senate Bill No. 1030 (effective September 25, 2020); Senate Bill No. 1371 and Assembly Bill No. 3182 (both effective January 1, 2021); Assembly Bill No. 345 (effective January 1, 2022); Assembly Bill No. 2221 and Senate Bill No. 897 (both

effective January 1, 2023); Assembly Bills No. 976 and No. 1033 (both effective January 1, 2024); Senate Bill No. 477 (effective March 25, 2024); Assembly Bills No. 834 and No. 1211 (effective January 1, 2025); and Senate Bill No. 543 and Assembly Bill No. 1170 (effective January 1, 2026); and

WHEREAS, the intent of the above-described legislation is to further reduce barriers to the approval of ADUs; and

WHEREAS, the City of Claremont ("City") continues to regulate ADUs in Chapter 16.333 of its Municipal Code, which is part of the Zoning Ordinance of the City of Claremont (Title 16 to the Claremont Municipal Code); however, to the extent the City's regulations have become inconsistent with the State's ADU laws through nearly yearly changes in State ADU laws, the State's ADU laws must prevail; and

WHEREAS, the City desires to amend Chapter 16.333 - Accessory Dwelling Units in of its Municipal Code in order to conform to the State's current ADU laws, formerly codified at California Government Code Section 65852.2 and recodified in March of 2024 at California Government Code Section 66310 et seq., as set forth in Section 4 of this Ordinance (the "Code Amendment"); and

WHEREAS, on May 19, 2026, the Planning Commission held a duly noticed public hearing, and based upon all of the information and testimony presented at the hearing, the Planning Commission voted 5-0-2, on a motion to Planning Commission Resolution No. 2026-05 recommending approval of the proposed Code Amendment; and

WHEREAS, on May 28, 2026, notice of the City Council meeting to consider the proposed Code Amendment was mailed to all persons on the "to-be-notified" list for the proposed Code Amendment; and

WHEREAS, on May 29, 2026, a display ad notice of the City Council meeting to consider the proposed Code Amendment; and

WHEREAS, on June 23, 2026 the City Council held a duly noticed public hearing on the introduction and first reading of the proposed Code Amendment; and

WHEREAS, the City Council has considered the proposed Code Amendment; and

WHEREAS, the City Council has considered the staff report and all of the information, evidence, and testimony received at the public hearing on the proposed Code Amendment.

THE CITY COUNCIL OF THE CITY OF CLAREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all of the foregoing recitals and the information in the staff report presented herewith are true

and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. General Plan Consistency. The City Council finds that the proposed Code Amendment is consistent with and furthers several of the goals and policies of the Claremont General Plan, including Goals 2-2, 2-5, 2-11, 4-4, 4-5, 5-9, 8-2 and 8-3, and Policies 2-1.1, 2-2.1, 2-2.2, 2-4.2, 2-5.1, 2-11.1, 2-11.2, 2-11.3, 5-3.1, 8-2.1, 8-3.1, 8-3.9, and 8-3.11 of the General Plan.

SECTION 3. CEQA. The City Council finds and determines that the Code Amendment is statutorily exempt from CEQA pursuant to Section 15282(h) of the CEQA Guidelines (Title 14 to the California Code of Regulations), which exempt the adoption of an ordinance regarding ADUs by cities and counties that implement the provisions of Section 65852.2 of the California Government Code (now codified at Government Code Section 66310 et seq.) from CEQA review.

SECTION 4. Amendment. The City Council hereby amends Chapter 16.333 (Accessory Dwelling Units) of Title 16 (Zoning) of the CMC to read as follows:

CHAPTER 16.333 ACCESSORY DWELLING UNITS

16.333.000 INTENT AND RELATIONSHIP TO STATE LAW

The purpose of this chapter is to facilitate the increased production of accessory dwelling units ("ADUs"), as well as junior accessory dwelling units ("JADUs"), and to provide reasonable regulations for their development in areas zoned to allow single-family or multifamily dwelling residential use. ADUs and JADUs can contribute needed housing to the community's housing stock and promote housing opportunities for persons from a range of socioeconomic backgrounds who wish to reside in the City of Claremont. In addition, the regulations in this chapter are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the State's Planning and Zoning Law related to ADUs and JADUs, including Government Code Section 66310 et seq., as amended from time to time or replaced with a successor statute (collectively, "State ADU Law"). To the extent any provision in this chapter conflicts with a provision in State ADU Law, the provision in State ADU Law shall prevail.

16.333.010 DEFINITIONS

"**Accessory dwelling unit**" or "**ADU**" shall have the same meaning as set forth in Government Code Section 66313(a).

"**Accessory Structure**" shall have the same meaning as set forth in Government Code Section 66313(b).

"**Architecturally and historically significant district**," is defined, for the purposes of this chapter, as: the areas having a zoning designation of Historic

Claremont (HC) as established in Chapter 16.004 or Arbol Verde Single-Family Residential (AV1 & AV2) as established in Chapter 16.019; individual properties listed on the National Register of Historic Places, the California Register of Historic Resources, and/or the Register of Structures of Historic or Architectural Merit in Claremont (sometimes referred to as the "Local Register" or "Claremont Register"); and any other historic districts designated by the City Council pursuant to the requirements of Chapter 16.302.

"**Height**" shall be, for the purposes of this chapter, the vertical distance to the highest point of the structure from the average elevation of the ground under the building.

"**Junior accessory dwelling unit**" or "**JADU**" shall have the same meaning as set forth in Government Code Section 66313(d).

"**Living Area**" shall have the same meaning as set forth in Government Code Section 66313(f).

"**Livable Space**" shall have the same meaning as set forth in Government Code Sections 66313(e) and 66323(a)(3)(A).

"**Plate height**" is defined as the vertical distance between the finished floor level and where the wall intersects with the roof or the floor joists of the story above.

"**Public Transit**" shall have the same meaning as set forth in Government Code Section 66313(m).

"**State ADU Law**" shall mean Chapter 13 (Accessory Dwelling Units) of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) to the California Government Code, starting at Government Code Section 66313, as amended from time to time or replaced with a successor statute.

References to the "**Government Code**" shall mean the California Government Code. Citations to specific sections of the Government Code shall mean the section, as amended from time to time or replaced by a successor statute.

16.333.020 EFFECT OF CONFORMING ACCESSORY DWELLING UNIT

An accessory dwelling unit and junior accessory dwelling unit that conforms to this chapter shall:

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

B. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;

C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service except for ADU's with more than 750 square feet of interior livable space are subject to proportionate impact fees in accordance with Government Code Section 66311.5, as amended from time to time or replaced with a successor statute.

16.333.030 APPLICABILITY

A. New Accessory Dwelling Units and Junior Accessory Dwelling Units – Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit or junior accessory dwelling unit shall comply with the requirements of this chapter, other development standards in this title applicable to the district in which the lot is located, and the City's Building and Construction Codes as set forth in Title 15.

B. Legal Nonconforming Accessory Dwelling Units and Junior Accessory Dwelling Units – All accessory dwelling units and junior accessory dwelling units which were legal at the time of their creation, but which do not conform to this chapter are deemed nonconforming and shall be subject to the provisions of Chapter 16.400 (Nonconformities).

C. Existing Illegal Accessory Dwelling Units and Junior Accessory Dwelling Units – Subject to Government Code Sections 66311.7, 66322(b), 66331, and 66336 (as amended from time to time or replaced with successor statutes), the provisions of this chapter shall in no way validate any existing illegal accessory dwelling unit or junior accessory dwelling unit. An application may be made pursuant to this chapter to convert an illegal ADU or JADU to a legal conforming ADU or JADU. Subject to Government Code Sections 66311.7, 66322(b), 66331, and 66336, the application shall be subject to the same standards and requirements as for a newly proposed ADU or JADU.

D. Redesignation of Existing Primary Dwelling Unit to Accessory Dwelling Unit Following Construction of the New Unit – An existing primary dwelling unit may be redesignated as the accessory dwelling unit at the time a certificate of occupancy is approved for a newly constructed primary dwelling unit on the lot. An accessory dwelling unit permit is required to convert the primary dwelling unit to an accessory dwelling unit, and the accessory dwelling unit must comply with all development standards of this chapter and the State ADU Laws that are applicable to conversions of existing structures to accessory dwelling units.

16.333.040 PERMITTED SITES

Subject to Government Code Sections 66314 and 66328 (as amended from time to time or replaced by successor statutes), accessory dwelling units and junior accessory dwelling units that meet the requirements of this chapter may be located on a lot in any area zoned to allow single-family or multifamily dwelling residential use that contains at least one proposed or existing primary dwelling unit.

16.333.050 PERMIT PROCEDURES

A. Permits – With the exception of legal nonconforming accessory dwelling units described in Section 16.333.030.B above, all accessory dwelling units and all junior accessory dwelling units require an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the City's Building and Construction Codes set forth in Title 15 and record a deed restriction as provided in Section 16.333.070.

B. Application Processing – An application for an accessory dwelling unit or a junior accessory dwelling unit permit shall be made on forms provided by the Department of Community Development and be submitted with any applicable fees. The application shall include all information needed to determine compliance with this chapter. The application fee shall be established by resolution of the City Council.

C. Review

1. Approval Authority. The Community Development Director or his or her designee ("Director") has authority to review applications for accessory dwelling unit permits for ADUs and JADUs.

2. Ministerial Process. Applications for accessory dwelling unit permits for ADUs and JADUs shall be considered ministerially without any discretionary review or a public hearing.

3. Completeness Determination

(a) The Director shall determine whether an application for an ADU or JADU is complete and provide written notice to the applicant of this determination within the timeframes set forth in the State ADU Law. As of the date this chapter was approved, the deadline to provide written notice of the completeness determination is generally within 15 business days of receipt of the application. (Gov. Code § 66317(a)(2)(A), (d); Gov. Code § 66335(a)(2)(A).)

(b) If the Director determines the application is incomplete, the applicant may appeal the incompleteness determination directly to the City Council in accordance with CMC Section 16.321.020. The Director's incompleteness determination shall inform the applicant of this appeal process.

(c) Subject to the exceptions in State ADU Law, applications for ADUs and JADUs are generally deemed complete if the Director does not provide a written incompleteness determination within fifteen (15) business days of receipt of an application. (Gov. Code § 66317(a)(2)(F); Gov. Code § 66335(a)(2)(F).)

4. Approval or Denial

(a) An application for an accessory dwelling unit permit shall be approved if the ADU or JADU complies with all requirements of this chapter and the State ADU Law.

(b) The Director shall determine whether an application for an ADU or JADU complies with all requirements of this chapter and provide written notice to the applicant of whether the application has been approved or denied within the timeframes set forth in the State ADU Law. As of the date this chapter was approved, the deadline to provide written notice of approval or denial is generally within 60 days of receipt of a complete application. (Gov. Code § 66317(a)(3), (b); Gov. Code § 66335(a)(3), (b).)

(c) If the Director denies the application, the applicant may appeal the denial directly to the City Council in accordance

with CMC Section 16.321.020. The Director's denial shall inform the applicant of this appeal process. (Gov. Code § 66317(d), (b); Gov. Code § 66335(e).)

(d) Subject to the exceptions in State ADU Law, applications for ADUs are generally deemed approved if the Director does not approve or deny them within sixty (60) days of receipt of a complete application. (Gov. Code § 66317(a)(3).) Under State ADU Law, this "deemed approved" process does not apply to JADUs.

5. Appeals. An appeal of the Director's incompleteness determination or denial of an accessory dwelling unit permit for an ADU or JADU shall be heard and decided by the City Council within the timeframes set forth in the State ADU Law. As of the date this chapter was approved, the deadline for the City Council to make a final determination of an appeal is generally within 60 days of receipt of the appeal. (Gov. Code § 66317(d)(2); Gov. Code § 66335(e).)

D. Public Notices – If a property located within an architecturally and historically significant historic district, an applicant shall provide written notice to owners of adjacent properties and post a placard on the property at least five (5) days prior to the demolition of a detached garage that is to be replaced with an ADU. Otherwise, State ADU Law generally does not allow the City to require public noticing for ADUs and JADUs. (Gov. Code § 66314(f).)

E. Building Permits – Prior to issuance of any building permits for an approved ADU or the JADU, the applicant shall record the deed restriction described in Section 16.333.070.

F. Certificate of Occupancy – In accordance with Government Code Section 66328 (as amended from time to time or replaced with a successor statute), the City shall not issue a certificate of occupancy for an ADU before the City issues a certificate of occupancy for the primary dwelling unit.

G. Fees – Except as otherwise provided in this chapter and subject to Government Code Sections 66311.5 and 66338, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

H. Revocation

1. Subject to Government Code Section 66331, the Building Official or his or her designee may revoke an accessory dwelling unit permit if the ADU or JADU violates one or more requirements of this chapter or State ADU Law.

   The Building Official or his or her designee shall provide written notice of the decision to revoke the accessory dwelling unit permit to the property owner by certified mail with return receipt requested.

2. Within twenty-one (21) days of the deposit of the notice of the decision to revoke the accessory dwelling unit permit in the United States mail, the property owner and/or occupant may request a hearing before the Community Development Director. If the City receives a timely request for a hearing in accordance with this Section, the decision to revoke shall be stayed until the hearing is concluded and the Director has made his or her determination. If the City does not receive a request for a hearing within twenty-one (21) days, the revocation of the accessory dwelling unit permit shall be final.

3. If, after a hearing, the Director of Community Development affirms the revocation of the accessory dwelling unit permit, the property owner and/or occupant may appeal the Director's decision to the Planning Commission in accordance with Section 16.321.010. If the City receives a timely request for a hearing in accordance with Section 16.321.010, the decision to revoke shall be stayed until the hearing is concluded and the Planning Commission has made its determination.

4. If, after a hearing, the Planning Commission affirms the revocation of the accessory dwelling unit permit, the property owner and/or occupant may appeal the Planning Commission's decision to the City Council in accordance with Section 16.321.010. If the City receives a timely request for a hearing in accordance with Section 16.321.020, the decision to revoke shall be stayed until the hearing is concluded and the City Council has made its determination. Such decision by the Council shall be final.

5. If an accessory dwelling unit permit is revoked, the property owner shall, within sixty (60) days, remove the kitchen facilities from the unit

space, and shall not rent the unpermitted ADU or JADU as a separate residential unit or an independent living facility.

16.333.060 DEVELOPMENT STANDARDS

A. State Exempt ADUs and JADUs (66323 Units) – ADUs and JADUs that meet the requirements of Government Code Section 66323 (as amended from time to time or replaced by a successor statute) are not subject to the requirements of this Section 16.333.060, except for the following:

1. Rental of an ADU created pursuant to Section 66323 shall be for a term longer than 30 days; and

2. An application for an accessory dwelling unit permit to create an ADU connected to an onsite wastewater treatment system shall include a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

B. Accessory Dwelling Units.

1. Components. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

2. Location. The ADU shall be located on a lot that is zoned to allow single-family or multifamily dwelling residential use, and the lot shall have a proposed or existing primary dwelling unit.

3. Types. The ADU shall be either:

(a) Attached to or located within a proposed or existing primary dwelling unit, including attached garages, storage areas or similar uses, or an accessory structure; or

(b) Detached from a proposed or existing primary dwelling unit and located on the same lot as the proposed or existing primary dwelling unit, including detached garages.

4. Minimum Size. The minimum size of an ADU shall be sufficient for an efficiency unit, as that term is defined in State ADU Law. (Gov. Code § 66313(c).)

5. Maximum Size

(a) If there is an existing primary dwelling unit, the total floor area of an attached ADU shall not exceed fifty percent (50%) of the existing primary dwelling unit.

(b) The interior livable space of an ADU shall not exceed:

(i) 850 square feet for ADUs with one or fewer bedrooms; and

(ii) 1,000 square feet for ADUs with more than one bedroom.

6. Rear and Side Yard Setbacks

(a) An ADU that is not converted from an existing structure or constructed in the same location and to the same dimensions as an existing structure shall be setback at least four feet (4') from the side and rear lot lines.

(b) No setback is required for an ADU or a portion of an ADU that is converted from an existing structure or constructed in the same location and to the same dimensions as an existing structure.

7. Height Limits

(a) Detached ADUs

(i) For a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, the height of an ADU shall not exceed eighteen feet (18'). An additional two feet (2') in height is permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

(ii) For a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling, the height of the ADU shall not exceed eighteen feet (18').

(iii) For all other detached ADUs on a lot with an existing or proposed single family or multifamily dwelling unit, the height of an ADU shall not exceed sixteen feet (16').

(b) Attached ADUs. For an ADU that is attached to a primary dwelling unit, the height of the ADU shall not exceed twenty-five feet (25') or the height limitation that applies to the primary dwelling unit, whichever is lower. The height of an attached ADU shall not exceed two (2) stories.

8. Other Development Standards. Except as otherwise set forth in this chapter or State ADU Law, an ADU must comply with the objective development standards for the applicable zoning district, including limits on lot coverage, floor area ratio, open space requirements, front yard setbacks, and minimum lot size unless application of those development standards would prevent construction of an ADU with up to 800 square feet of interior livable space and with four-foot side and rear yard setbacks.

9. Building Code

(a) Subject to Government Code Section 66331, an ADU shall comply with 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.

(b) The ADU shall comply with local Building Code requirements that apply to detached dwellings, except that the construction of an ADU shall not constitute a Group R occupancy change under the local Building Code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official or his or her designee 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.

(c) The Building Official or his or her designee may change the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted to an ADU for residential use pursuant to this chapter

10. ADU Parking

(a) Subject to the exceptions set forth in Government Code Section 66322 (as amended from time to time or replaced by a successor statute), an ADU shall provide at least one offstreet parking space.

(b) Offstreet parking for an ADU is permitted in setback areas or through tandem parking unless the Community Development Director makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(c) The parking space(s) for the ADU shall be in addition to the parking required for the primary dwelling unit(s). Subject to Government Code Section 66322(b) (as amended from time to time or replaced by successor statutes), the development of an ADU on a lot where an existing primary dwelling unit does not comply with current parking standards shall be subject to the requirements of CMC Section 16.400.040.A.3.

11. Replacement Parking. 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 applicant is not required to replace those offstreet parking spaces.

12. Architectural Design Standards.

(a) The color, material and texture of all building walls, window types, and doors shall be substantially similar to the primary dwelling unit.

(b) The design, color, material, pitch, and texture of the roof shall be substantially similar to that of the primary dwelling unit.

(c) The architectural style of the ADU shall be the same as that of the primary dwelling unit. If no architectural style can be identified, the design of the ADU shall be architecturally compatible with the primary dwelling unit. ADUs that are consistent with the City of Claremont Pre-Approved ADU Design Program are architecturally compatible with the primary dwelling unit.

(d) For ADUs on lots with a single-family residence, the design of the ADU unit shall maintain the scale and appearance of a single-family residence and shall not unduly interfere with or visually dominate the established development pattern of the surrounding neighborhood context.

(e) Exterior Doors.

(i) An exterior door of the ADU shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit when both would be visible from any public right-of-way, excluding alleys, unless one of the doors is setback at least forty (40) feet further from the other door from the street. Notwithstanding the above, on properties located at the intersection of two public streets, an exterior door of the ADU shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit but the exterior door of the ADU may be visible from a public right-of-way.

(ii) An ADU shall have no exterior entrances on elevations where the distance to a side property line is less than eight feet (8').

(f) The ADU shall be designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant trees should be avoided, except where such trees have been determined by a licensed arborist to be of poor health or where retention is economically infeasible, as determined by the Community Development Director.

(g) All windows and doors of the ADU shall be designed to minimize privacy impacts to adjacent properties. Minimizing

privacy impacts may be achieved through window placement above interior eye level and/or horizontally offset to avoid direct alignment with windows on neighboring properties, and through orienting windows and doors towards the primary dwelling unit.

An ADU with less than an eight foot (8') side or rear setback shall only have clerestory windows which are a minimum of six feet (6') above the floor on those sides unless there is a solid wood fence or block wall at the adjacent property line that is at least five feet six inches higher than the finish floor elevation and additional landscaping is provided to further screen visibility to adjacent properties.

(h) Landscaping and strategically located open space should be provided to ensure privacy and screening to and from adjacent properties.

(i) When a garage, carport, or covered parking structure that is visible from any public right-of-way is converted or demolished in conjunction with the construction of an ADU, the design shall incorporate features to match the scale, materials, and landscaping of the primary dwelling unit that preserve the existing streetscape and character of the surrounding neighborhood.

(j) The ADU shall not cause an adverse impact to any real property that is listed in the National Register of Historic Places, and/or California Register of Historic Places, and/or Register of Structures of Historic and Architectural Merit of the City of Claremont. Approval of the ADU shall include the preparation of a Certificate of Appropriateness as specified in Section 16.302.

13. Interior Amenities

(a) Washer/dryer hookups shall be provided within a closet or laundry room. Space for stacked units is acceptable. Shared washer/dryer facilities located on the property that are accessible to ADU occupants are acceptable in lieu of individual hookups in the unit.

(b) ADUs of 500-square feet or less shall have, at a minimum, a kitchen which will consist of:

(i) A 15-inch sink with garbage disposal and a 1.5-inch waste line

(ii) An opening which will accommodate a 62-inch by 25-inch by 28-inch refrigerator.

(iii) A 2-element electronic stove of 120 volts.

(iv) 10-square feet of counter space

(c) ADUs of greater than 500 square feet shall have at a minimum, a kitchen which will consist of:

(i) A 22-inch sink with garbage disposal.

(ii) An opening that will accommodate a 69-inch by 30-inch by 29-inch refrigerator.

(iii) A 4-element stove

(iv) 15-square feet of counter space.

14. Demolition of Detached Garage. 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.

15. Fire Sprinklers. ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit. On its own, the construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit.

16. Private Sewage Disposal System. An ADU shall obtain approval from the local health officer where a private sewage disposal system is being used, if required.

17. Short-Term Rentals. Neither an ADU nor the primary dwelling unit shall be rented for a period of less than thirty (30) days without a short-term rental permit pursuant to CMC Chapter 16.110 – Short-Term Rentals. ADUs that were created pursuant to Government Code Section 66323 (as amended from time to time or replaced by

a successor statute) shall not be rented for a term of thirty (30) days or less.

18. Separate Ownership. Title to an ADU shall not be sold or otherwise conveyed separate from the primary dwelling unit.

C. Junior Accessory Dwelling Units

1. Components. A JADU shall be contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Location. The JADU shall be located on a lot in a single-family residential zone, and the lot shall have a proposed or existing primary dwelling unit that is a single-family residence. The JADU shall be constructed within the walls of the proposed or existing single-family residence. For purposes of this subsection, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

3. Maximum Number. The number of JADUs shall not exceed one per residential lot.

4. Maximum Size. A JADU shall not exceed 500 square feet of interior livable space.

5. Separate Entrance. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence. If a JADU unit 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.

6. Kitchen. At a minimum, a JADU shall include an efficiency kitchen, which shall include all of the following:

   (a) A cooking facility with appliances; and

   (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

7. Parking. No parking is required for a JADU approved pursuant to this

subsection and Government Code Section 66333, as amended from time to time or replaced by a successor statute.

8. Owner-Occupancy. If the JADU has shared sanitation facilities with the existing structure, owner-occupancy is required for the single-family residence in which the JADU will be located. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the JADU has separate sanitation facilities, or if the owner is a governmental agency, land trust, or housing organization.

9. Short-Term Rentals. JADUs shall not be rented for a term of thirty (30) days or less.

16.333.070 DEED RESTRICTION

Prior to issuance of a building permit for an accessory dwelling unit or a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the Los Angeles County Recorder's Office and a copy shall be filed with the City Clerk. Said deed restriction shall run with the land, and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

A. Title to the accessory dwelling unit/junior accessory dwelling unit and the primary dwelling unit shall not be sold or otherwise conveyed separately.

B. A junior accessory dwelling unit and an accessory dwelling unit created pursuant to Government Code Section 66323 shall not be rented for a period of less than thirty-one (31) days.

C. The size and attributes of the junior accessory dwelling unit are restricted to the requirements of this chapter and Article 3 of Chapter 13, of Division 1 of Title 7 to the California Government Code (starting at Section 66333).

D. The deed restrictions run with the land and may be enforced against future purchasers and owners of the property.

E. The deed restrictions may be removed if the owner eliminates the accessory dwelling unit/junior accessory dwelling unit as evidenced by the removal of the kitchen facilities, bathroom facilities, or both.

F. The deed restrictions may be enforced by the Director of Community Development or his or her designee for the benefit of the City of Claremont.

Failure of the property owner to comply with the deed restrictions may result in legal action against the property owner and the City shall be authorized to obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the accessory dwelling unit/junior accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

16.333.080 ENFORCEMENT AND REMEDIES

A. Criminal Fines and Penalties – Any person responsible for violating any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the City Attorney and/or district attorney. Upon conviction, the person shall be punished as prescribed in Chapter 1.12.

B. Administrative Fines and Penalties – Whenever an officer charged with the enforcement of any provision of this Municipal Code determines that a violation of this chapter has occurred, the officer shall have the authority to issue an administrative citation to any person responsible for the violation in accordance with Chapter 1.14.

C. Public Nuisance and Lien on Property – Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law. In accordance with Chapter 1.15, the City may also collect any fee, cost, or charge incurred in the abatement of such nuisance by making the amount of any unpaid fee, cost or charge a lien against the property that is the subject of the enforcement activity.

D. Civil Action – In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

E. Permit Revocation – Any violation of this chapter may result in revocation of an accessory dwelling unit permit in accordance with Section 16.333.050.H above.

Use of any one or more of these remedies shall be at the sole discretion of the City and nothing in this Section shall prevent the City from initiating civil, criminal or

other legal or equitable proceedings as an alternative to any of the proceedings set forth above.

To the extent the City seeks to enforce building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the California Health and Safety Code, use of these remedies may be subject to Government Code Section 66331.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish a summary in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont.

SECTION 7. State Review. Within 60 days of City Council adoption staff shall submit a copy of this Ordinance to the Department of Housing and Community Development for review.

SECTION 8. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption.

PASSED, APPROVED and ADOPTED this 14th day of July, 2026.

Jennifer Stark
Mayor, City of Claremont

ATTEST:

Shelley Desautels
City Clerk, City of Claremont

APPROVED AS TO FORM:

City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

I, Shelley Desautels, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Ordinance No. 2026-02 was introduced at a regular meeting of said council held on the 23rd day of June, 2026, that it was regularly passed and adopted by said City Council, signed by the Mayor and attested by the City Clerk of said City, all at a regular meeting of said council held on the 14th day of July, 2026, and that the same was passed and adopted by the following vote:

AYES:	COUNCILMEMBERS:	CALAYCAY, LEANO, MEDINA, REECE, STARK
NOES:	COUNCILMEMBERS:	NONE

Shelley Desautels
City Clerk, City of Claremont