CITY OF
BIG BEAR LAKE *California*

ORDINANCE NO. 2026-527

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE AMENDING 17.25.210 OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH THE RECENT CHANGES IN STATE LAW, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, the City of Big Bear Lake, 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 took effect 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, Section 17.03.200(D) of the Development Code includes provisions for amendments to the Development Code; and

WHEREAS, on November 19, 2025, the Planning Commission held a duly-noticed public hearing and considered Development Code Amendment 2025-0006, filed by the City of Big Bear Lake to revise Development Code Section 17.25.210 pertaining to Accessory Dwelling Units ("Application"), recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; 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, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

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

NOW, THEREFORE, the City Council of the City of Big Bear Lake does ordain as follows:

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

SECTION 2. 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. 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).

SECTION 4. Based on the evidence for the Application presented to the Planning Commission during the November 19, 2025, public hearing, including public testimony and written and oral staff reports, the Planning Commission specifically finds, pursuant to §17.03.200, et.al that the following circumstances exist:

1. The proposed Development Code Amendment conforms to the goals, objectives and policies of the General Plan, specifically Land Use Element Policy L 1.7 pertaining to compatibility between different land uses. The amendment incorporates regulations to integrate ADUs into the character of existing neighborhoods to the extent allowed by law. The amendment is consistent with Goal L 3 to provide for housing opportunities for all demographic and economic segments of the population and Policy L 3.3 that requires the planners to maintain the integrity, safety and attractiveness of residential neighborhoods. To the extent allowed under the new ADU laws, the amendment supports Community Design Element Goal CD 1 to create and maintain a well-designed built environment which contributes to the community's economic vitality, enhances the quality of life, and enhances the beauty of the City's natural mountain setting. The amendment is consistent with goals, policies, and programs of the 2021- 2029 Housing Element, specifically Goal H 1 through Program H1–B to provide adequate sites for a variety of housing types, Goal H2 to encourage and support development of adequate housing to meet the needs of low- and moderate-income households through Policy H2.3 to provide regulatory concessions and incentives for the development of affordable housing, and through Program H2-E to provide incentives to encourage the production of ADUs.

2. The proposed Development Code Amendment is necessary to implement the General Plan and to provide for public safety convenience and/or general welfare. The state law is

general in nature and applies to all cities in California, not specifically Big Bear Lake, which is unique because of our terrain, elevation, population and weather. Modifications to the state standards are necessary to implement the City's General Plan goals, policies, and programs, and for the overall general welfare of our citizens.

3. The proposed Development Code Amendment conforms to the intent of the Development Code and is consistent with all other related provisions thereof. The appropriate single-family and multifamily residential development standards are included in the ADU ordinance to the extent allowed under state law to maintain health, safety and welfare for our citizens. These requirements include front building setbacks, maximum lot coverage, minimum open space, maximum building height, minimum parking space sizes, and minimum architectural standards to expedite review and integrate ADUs and JADUs into our residential neighborhoods. Additional requirements have been added for compatibility with existing neighborhoods and existing or proposed residential uses onsite.

4. The proposed Development Code Amendment is reasonable and beneficial at this time. The proposed amendment more clearly brings the City's regulations into compliance with the state laws governing ADUs and JADUs amended by the various Assembly and Senate Bills.

Section 5. Based on the findings and conclusions as set forth in Sections 1 – 4 , above, the City Council hereby approves Development Code Amendment 2025-0006. Development Code Section 17.25.210 of the City of Big Bear Lake Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

Section 6. Effective Date. This Ordinance shall become effective 30 days from its adoption.

Section 7. 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 8. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

Section 9. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 39707 Big Bear Boulevard, Big Bear Lake, CA 92315.

Section 10. 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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Big Bear Lake, California, at a regular meeting of the City Council held on the 11th day of February, 2026 by the following vote:

AYES: MELNICK, SEGOVIA, HERRICK, PUTZ
NOES: HICKS
ABSENT:
ABSTAIN:

Randall Putz, Mayor

ATTEST:

Erica Stephenson, City Clerk

APPROVED AS TO FORM:

Stephen Deitsch, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF BIG BEAR LAKE)

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2026-527 is a full, true and correct original of Ordinance No. 2026-527 of the City of Big Bear Lake entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE AMENDING 17.25.210 OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH THE RECENT CHANGES IN STATE LAW, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the Clerk of Said City, all at a regular meeting of the said Council on the 11th day of February, 2026, and that the same was so passed and adopted by the following vote:

AYES: MELNICK, SEGOVIA, HERRICK, PUTZ
NOES: HICKS
ABSTAIN:
ABSENT:

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2026-527 was duly and regularly published according to law and the order of the City Council and circulated within the said City.

Erica Stephenson

Erica Stephenson, City Clerk

EXHIBIT A

AMENDMENT TO DEVELOPMENT CODE SECTION 17.25.210 ACCESSORY DWELLING UNITS

Development Code Section 17.25.210 is hereby amended to read in its entirety as follows:

Section 17.25.210 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)(8) 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) "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.

(4) "Efficiency kitchen" means a kitchen that includes all 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 JADU.

(5) "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 structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

(C) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

(D) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

(E) It includes an efficiency kitchen, as defined in subsection (c)(4) above.

(6) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

(7) "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.

(8) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(9) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

(10) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(11) "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.

(12) "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) **Approvals.** The following approvals apply to ADUs and JADUs created under this section:

(1) **Ministerial ADU and Building Permits Required**. Every ADU and JADU requires an ADU permit and a building permit. The city will review and approve permit applications in accordance with subsection (d)(3) below.

(2) **Processing Fee**. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

(3) **Process and Timing.**

(A) **Completeness.**

(i) **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.

(ii) **Incomplete items.** If the city's determination under subsection (d)(3)(A)(i) 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.

(iii) **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.

(iv) **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.

(v) **Deemed complete.** If the city does not make a timely determination as required by this subsection (A), the application or resubmitted application is deemed complete for the purposes of subsection (d)(3)(C) below.

(vi) **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 planning commission 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.

(B) **No discretion or hearing.** Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

(C) **Deadline to approve or deny ministerial approvals.** 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 complete application within 60 days, the application is deemed approved unless either:

(i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(ii) 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.

(D) **Denial.** 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 (d)(3)(C) above.

(E) **Appeal of denial.** An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission 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.

(F) **Concurrent review of demolition.** 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.

(e) **Classes.**

(1) **Class 1: Statutorily Regulated.** Class 1 ADUs and JADUs are approved under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in subsection (f) below, it is allowed in each of the scenarios provided in this subsection (e)(1). An ADU and JADU approved under subsection (e)(1)(A) may be combined with an ADU approved under subsection (e)(1)(B), and ADUs approved under subsection (e)(1)(C) may be combined with ADUs approved under subsection (e)(1)(D).

(A) **Converted on Lot with Single-Family:** One ADU as described in this subsection (e)(1)(A) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; 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; and

(ii) Has exterior access that is independent of that for the single-family dwelling; and

(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 sections 66333 through 66339.

(B) **Limited Detached on Lot with Single-Family:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:

(i) The side- and rear-yard setbacks are at least four feet.

(ii) The total floor area is 800 square feet of livable space or smaller.

(iii) The peak height above grade does not exceed the applicable height limit in subsection (f)(2) below.

(C) **Converted on Lot with Multifamily:** 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 (e)(1)(C), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

(D) **Limited Detached on Lot with Multifamily:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

(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 above grade does not exceed the applicable height limit provided in subsection (f)(2) below.

(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.

(2) **Class 2: Locally Regulated.** Class 2 ADUs are approved under Government Code sections 66314–66322. Except for Class 1 ADUs approved under subsection (e)(1) above, all ADUs are subject to the standards set forth in subsections (f) and (g) below.

(f) **General Requirements.** The following requirements apply to all Class 1 and Class 2 ADUs and JADUs:

(1) **Zoning.**

(A) A Class 1 ADU approved under subsection (e)(1) may be created on a lot in a residential or mixed-use zone.

(B) A Class 2 ADU approved under subsection (e)(2) above 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) **Height.**

(A) Except as otherwise provided by subsections (f)(2)(B) and (f)(2)(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 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 ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (f)(2)(D) may not exceed two stories.

(E) Notwithstanding subsections a. through d. above, any ADU that is approved under this section and that has a sloped roof with a pitch of at least 2:12 may be up to thirty (30) feet in height if the ADU is detached from the primary-dwelling structure and up to forty (40) feet in height if the ADU is attached to the primary-dwelling structure.

(F) For purposes of this subsection (f)(2), height is the vertical distance measured from the average level of the highest and lowest point of the portion of the lot covered by the building to the highest point of the structure.

(3) **Fire Sprinklers.**

(A) Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.

(B) The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(4) **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.

(5) **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).

(6) **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(7) **Owner Occupancy.**

(A) **ADUs.** 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 (f)(7)(B) does not apply in either of the following situations:

(I) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

(II) The property is entirely owned by another governmental agency, land trust, or housing organization.

(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 a 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) **Rent Reporting.** In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:

(A) With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

(B) By January 31 of each calendar year, the owner must report the monthly rent charged for the ADU or JADU during the prior calendar year. If the city does not receive the report, the owner is in violation of this Code, and the city may send the owner a notice of violation and allow the owner another thirty (30) days to submit the report. If the owner fails to submit the report within the thirty-day period, the city may enforce this provision in accordance with applicable law.

(10) **Building & Safety.**

(A) **Must comply with building code.** Subject to subsection (f)(10)(B) below, all ADUs and JADUs must comply with all local building code requirements.

(B) **No change of occupancy.** 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 Enforcement Division 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 (f)(10)(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.

(11) **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 (f)(11)(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.

(g) **Specific ADU Requirements.** The following requirements apply only to Class 2 ADUs approved under subsection (e)(2) above. This subsection (g) does not apply to Class 1 ADUs or JADUs approved under subsection (e)(1) above.

(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, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (g)(1)(B) above or of front setback, lot coverage, or open-space requirement may require the ADU to be less than eight hundred (800) square feet.

(2) **Setbacks.**

(A) ADUs that are subject to this subsection (g) must conform to 4-foot side and rear setbacks. ADUs that are subject to this subsection (g) must conform to a fifteen-foot (15) front-yard setback from any public right-of-way with a width of forty (40) or more feet and a twenty-foot (20) setback from any public right-of-way with a width of less than forty (40) feet, subject to subsection (g)(1)(C) above.

(B) 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 fifty percent (50%) on a single-family residential lot or sixty percent (60%) on a multifamily residential lot, subject to subsection (g)(1)(C) above.

(4) **Minimum Open Space.** There is no minimum open space requirement on a single-family residential lot. On a multifamily residential lot, no ADU subject to

subsection (g) may cause the total percentage of open space of the lot to fall below thirty-five percent (35%) subject to subsection (g)(1)(C). above.

(5) **Passageway.** No passageway, as defined by subsection (c)(9) above, is required for an ADU.

(6) **Parking.**

(A) Generally. One off-street parking space, with a minimum dimension of nine (9) feet wide by nineteen (19) feet deep, is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (c)(12) 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)(11) 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.

(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, covered parking structure, or uncovered parking space 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.

(7) **Architectural Requirements.**

(A) The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.

(B) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

(C) All luminaires (light sources) must have a cutoff angle of less than ninety (90) degrees. Exterior lights must be placed so that the bulb or light source is not visible off-site, light is directed down, and the light level at the property line does not exceed 0.25 footcandles.

(D) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

(E) The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

(F) No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.

(G) All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(8) **Landscape Requirements.** Evergreen landscape screening must be planted and maintained between the ADU, adjacent parcels, and any public right-of-way as follows:

(A) At least one 15-gallon size plant must be provided for every five linear feet of exterior ADU wall. Alternatively, at least one 24" box size plant must be provided for every ten linear feet of exterior ADU wall.

(B) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.

(C) All landscaping must be drought-tolerant and comply with the State Municipal Efficiency Landscape Ordinance (MWELO).

(D) All landscaping must be of a native species from the city's approved plant list.

(h) **Fees.** The following requirements apply to all Class 1 ADUs and JADUs and Class 2 ADUs that are approved under subsections (e)(1) or (e)(2) above.

(1) **Impact Fees.**

(A) No impact fee is required for a JADU or for an ADU that has less than 750 square feet of interior livable space. For purposes of this subsection (h)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

(B) 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.

(C) Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space 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.)

(2) **Utility Fees.**

(A) If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

(B) Except as described in subsection (h)(2)(A), JADUs and converted ADUs on a single-family lot that are created under subsection (e)(1)(A) above are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.

(C) Except as described in subsection (h)(2)(A), all ADUs that are not covered by subsection (h)(2)(B) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

(i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(ii) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

(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 and JADUs 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 state ADU or JADU law or this ADU ordinance (Development Code Section 17.25.210).

(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.

(j) **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in subsections (a) through (i) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.