

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLE 30, SECTION 3006 OF THE ZONING ORDINANCE TO ESTABLISH REVISED ACCESSORY DWELLING UNIT REGULATIONS CONFORMING TO THE PROVISIONS OF GOVERNMENT CODE SECTIONS 66310-66342

(ZA25-00004)

WHEREAS, on February 23, 2022, the City Council adopted Ordinance No. 22-OR0114-1 to incorporate revisions into the City's Accessory Dwelling Unit (ADU) Ordinance to comply with provisions of state law governing ADUs and junior ADUs (JADUs); and

WHEREAS, on April 30, 2024 the revised ADU Ordinance was received by the California Department of Housing and Development (HCD); and

WHEREAS, on May 20, 2025, HCD reviewed the ADU Ordinance and provided written findings stating the ordinance fails to comply with certain provisions of state ADU law; and

WHEREAS, the State of California enacted legislation effective on October 10, 2025 and on January 1, 2026 further amending certain provisions of ADU regulations specified in Government Code Sections 66310-66342; and

WHEREAS, the City's General Plan Housing Element includes a housing program for ADUs that states the City will continue to encourage ADUs as a source of affordable housing opportunities, as mandated by state law, and process zoning amendments to ensure compliance with state law; and

WHEREAS, the Planning Division has prepared text amendments to the City's Accessory Dwelling Unit regulations conforming to the provisions of Government Code Section 66310-66342; and

WHEREAS, on February 9, 2026, the Planning Commission conducted a duly-noticed public hearing as prescribed by law and recommended City Council approval of said zoning ordinance text amendments by a 5-1 vote (one commissioner absent); and

WHEREAS, said changes require an amendment of the implementing document of the City's Local Coastal Program, which must be certified by the California Coastal Commission prior to becoming effective in the coastal zone; and

1 **SECTION 4.** Notice is hereby given that the time within which judicial review must be
2 sought on this decision is governed by Government Code Section 65009(c).

3 **SECTION 5.** This ordinance shall be effective 30 days after its adoption, except for
4 those areas situated in the Coastal Zone. For those areas in the Coastal Zone, this Ordinance
5 shall be effective upon certification of LCPA25-00002 by the Coastal Commission.

6 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
7 California, held on the 11th day of February, 2026, and thereafter,

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
9 Oceanside, California, held on the __ day of _____, 2026, by the following vote:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14 _____
MAYOR OF THE CITY OF OCEANSIDE

15 ATTEST:

APPROVED AS TO FORM:

16
17
18 _____
CITY CLERK

19
20
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24
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26
27
28 _____
CITY ATTORNEY

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3006 Accessory Dwelling Units

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in areas zoned to allow single-family or multifamily use pursuant to Government Code Section Title 7, Division 1, Chapter 13 (sections 66310-66342) ~~65852.2~~ et seq. and the goals and policies of the City's Housing Element. ADUs provide an important source of affordable housing in existing residential neighborhoods where adequate public facilities and services are available.

This section is intended to set forth regulations that are consistent with California law regarding ADUs and JADUs, as such state law may be amended. In the event and to the extent of any conflict between state law and this section, state law shall control.

Consistent with state law, an ADU or JADU which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. An ADU or JADU shall not be considered development for the purposes of the imposition of development impact fees.

A. Permitted Unit Type and Definition.

1. Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as the primary dwelling or multi-family development. An ADU also includes an efficiency unit and manufactured home. An ADU may serve as a rental unit **but only** for more than 30 days or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.
2. Junior Accessory Dwelling Unit (JADU): A residential dwelling unit, as defined in Government Code Section 66313 ~~65852.22~~, that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family **residence structure**. A JADU shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing dwelling. A JADU may serve as a rental unit for more than 30 days. Owner-

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occupancy of either primary dwelling or JADU is required by state law unless the owner is another governmental agency, land trust, or housing organization or has separate sanitation facilities from the primary dwelling unit.

3. Efficiency Unit: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square-feet and shall have a bathroom facility and a partial kitchen.
4. Manufactured Home: A manufactured home, as defined in Section 18007 of the Health and Safety Code, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the travelling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The unit shall comply with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401).
5. Prohibited Units: Mobile homes, as defined in Section 18008 of the Health and Safety Code, recreational vehicles, trailers, or similar units, shall not be allowed as ADUs.
6. Allowable square footage: The net square footage of interior livable space for a proposed ADU or JADU.

B. Where Permitted.

1. ADUs are permitted in all zone districts allowing single-family or multifamily use on lots developed with existing or proposed dwellings. ADUs and JADUs shall not be permitted in conjunction with dwelling units constructed in accordance with both Government Code Section 65852.21 and Section 66411.7 (Senate Bill No. 9).
2. An ADU may be established in the following methods:
 - a. Attached to, or located within, an existing or proposed primary dwelling.
 - b. A new detached structure, or located within or attached

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to an accessory structure, including detached garages or similar structures.

- c. Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.
- d. Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.
- e. The existing unit may be considered the ADU, and a new primary dwelling unit built, if all applicable zoning requirements are met.
- f. Only one ADU or JADU shall be permitted on a parcel developed with an existing or proposed single-family residence unless constructed as a JADU and ADU combination in accordance with Section 3006.B.4. The maximum number of ADUs on multifamily properties shall be as prescribed in Section 3006.B.5. The following shall be permitted within a residential or mixed-use zone consistent with Government Code 66323:
 - (1) One ADU and one JADU per lot with a proposed existing single-family dwelling if all of the following apply:
 - (A) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (B) The space has exterior access from the proposed or existing single-family dwelling.
 - (C) The side and rear setbacks are sufficient for fire and safety.
 - (D) The JADU complies with the requirements of Article 3 (commencing with Section 66333) of the Government Code.
 - (2) One detached, new construction ADU unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in paragraph (1) and the ADU shall be subject to the following conditions:
 - (A) A total floor area limitation of not more than 800 square feet.

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(B) A height limitation as provided in subparagraph (A), (B), or (C) of subdivision (b) of Government Code Section 66321, as applicable

(3) (A) Multiple 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 unit complies with state building standards for dwellings.

(B) At least one ADU unit within an existing multifamily dwelling AND up to 25 percent of the existing multifamily dwelling units.

(4) (A) (i) Multiple ADUs, not to exceed the number specified in clause (ii) or (iii) below, as applicable, that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation provided in Government Code Section 66321, as applicable, and rear and side yard setbacks of no more than four feet.

(ii) On a lot with an existing multifamily dwelling unit, not more than eight detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.

(iii) On a lot with a proposed multifamily dwelling, not more than two detached ADUs

(B) If the existing multifamily dwelling has a rear or side setback of less than four feet, there shall not be any modification required of the existing multi-family dwelling as a condition of approving the ADU application.

3. A Junior ADU (JADU) may be established within the space of the primary dwelling, including an attached garage or accessory structure.
4. JADU and ADU Combination: A JADU may be established within the space of the primary dwelling in combination with the construction of one ADU as follows: of one detached, new construction ADU not exceeding 850 square feet and a height of 16 feet with four-foot side and rear setbacks.
 - a. An ADU within the walls of the primary dwelling.
 - b. An ADU within an existing accessory structure.
 - c. An attached or detached, new construction ADU subject to the Statewide Exemption ADU provisions as prescribed in Section 3006.D.1.d.

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~~5. The existing unit may be considered the ADU, and a new primary dwelling unit built, if all applicable zoning requirements are met.~~

56. ADUs shall be permitted on lots developed with existing multi-family dwellings subject to the following provisions:

- a. The property shall be developed with an existing, **legally established** multi-family structure(s).
- b. A minimum of one ADU may be constructed, or up to 25 percent of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.
- c. **Reserved** ~~The construction of two detached ADUs with a maximum size of 850 square feet, or 1,000 square feet with more than one bedroom, shall be permitted in addition to ADUs created within non-livable space, subject to a maximum height of 16 feet, and four-foot side and rear setbacks.~~
- d. Existing livable space of multi-family dwelling units shall not be converted to ADUs.
- e. **Detached ADUs may be constructed above existing detached accessory structures, including garages or similar structures, subject to maximum height and setback requirements of the underlying zoning district.**

C. Permit Requirements:

1. **Pursuant to SB 543, effective January 1, 2026, the City shall determine whether an ADU or JADU application is complete within 15 business days of submittal and shall ministerially approve or deny** review and act on a building permit application for an ADU or JADU within 60 days after receiving **a complete** the application. An ADU or JADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval. A certificate of occupancy for an ADU or JADU shall not be issued before occupancy is granted for the primary dwelling **except as provided in Government Code Section 66328(b).**
2. ADUs and JADUs shall comply with all applicable Building Code requirements.
3. The City shall not require the correction of nonconforming

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zoning conditions as a condition for ministerial approval.

4. ADUs and JADUs within the coastal zone shall be subject to applicable requirements of the Local Coastal Program except for that:
 - a) No public hearing shall be required.
 - b) The City shall approve or deny a completed Coastal Development Permit application within 60 days.
 - c) The Coastal Development Permit may not be appealed to the California Coastal Commission as provided in Government Code Section 66329(c).
5. ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling residencee.
6. Newly constructed, non-manufactured, detached ADUs are subject to the Energy Code requirement to provide solar panels.
7. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.
8. The use of dual-cylinder deadbolt locks and/or other types of locks that lock a door from both sides shall be prohibited within all dwelling units.

D. Development Standards.

1. ADU Type, Location & Size.
 - a. Attached Unit: An ADU attached to an existing primary dwelling shall have a minimum size of 150 square feet and shall not exceed 50 percent of the total existing or proposed living area of the primary dwelling, except as provided by the Statewide Exemption ADU provisions By-Right Provision in Section 3006.D.1.d.
 - b. Detached Unit: An ADU structurally independent and detached from the existing or proposed primary dwelling shall have a minimum size of 150 square feet and shall not exceed 1,200 square feet, unless the ADU is proposed on a lot that has an existing or proposed multifamily dwelling unit and is constructed in accordance with Government Code Section 66323(a)(4).
 - c. Conversion of Existing Structure: An ADU constructed

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within the footprint of an existing dwelling, ~~or~~ attached or detached structure, or non-livable space shall not be subject to a maximum square-footage of living area. An existing structure may be expanded up to 150 square feet to accommodate ingress and egress, but shall conform to setbacks sufficient for fire and safety.

d. Statewide Exemption ADU By-Right Provision: An attached or detached ADU with a maximum size of 850 square-feet or 1,000 square-foot with more than one bedroom shall be permitted in any circumstance subject to ~~a maximum height of 16 feet, four-foot side and rear setbacks,~~ and compliance with all building codes. No minimum lot size or lot coverage requirement shall apply. The following height limitations shall apply:

(1) A maximum height of 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit.

(2) A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within a one-half mile walking distance to 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 shall be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

(3) A maximum height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.

(4) A maximum height of 25 feet or the height limitation in the applicable Zoning District for the primary dwelling, whichever is lower, for an ADU attached to a primary dwelling. In all cases the ADU shall not exceed two stories.

~~e. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.~~

~~f. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

2. JADU Location and Size.

a. A JADU shall be constructed entirely within an existing

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or proposed primary dwelling and shall not exceed 500 square-feet.

- b. JADUs shall have an independent exterior entrance from the primary dwelling, but may also include shared access between the two units.
3. Required Setbacks, **except for ADUs constructed in accordance with Government Code Section 66323.**
- a. An attached or detached ADU not exceeding 850 square feet or 1,000 square feet with more than one bedroom, and a height no greater than 16 feet shall provide a setback of no more than four feet from the side and rear property lines. ADUs exceeding the maximum square footage or height specified in this provision shall be subject to compliance with setbacks of the underlying zoning district.
 - b. Cornices and eaves may project into the required yards by no more than one foot.
 - c. ~~All ADUs shall meet the front yard setback.~~ **ADUs exceeding 800 square feet shall meet the front yard setback of the underlying zoning district.**
 - d. When an ADU is created within an existing structure, the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.
 - e. No setback shall be required for an existing garage or accessory structure converted, or portion thereof, to an ADU and no setback shall be required for a new structure constructed in the same location and same dimensions as an existing structure.
 - f. An ADU constructed above an existing garage or dwelling unit, exceeding 16-feet in height, shall meet the side and rear setbacks of the underlying zoning district.
 - g. Roof top decks shall be permitted in accordance with Article 30, Section 3018.
 - h. Staircases serving an ADU shall provide a setback of no less than four feet from the side and rear property lines subject to approval by the Fire Department.
 - i. Within the coastal zone, an existing garage or accessory structure converted to an ADU unit or an ADU above a

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garage shall be consistent with all habitat preserve buffers and geological stability setbacks in the certified Local Coastal Program.

4. Height and Maximum Lot Coverage.

- a. ADUs exceeding 850 square feet or 1,000 square feet with more than one bedroom, and/or a height of 16 feet shall comply with the height and maximum lot coverage of the underlying zoning district **unless the ADU is constructed in accordance with Government Code Section 66323.**

5. Parking.

- a. One additional off-street parking space shall be required per unit; with exceptions per Section 3006.D.5.g.
- b. No parking space shall be required for an ADU or JADU established within an existing or proposed structure.
- c. Parking spaces shall be a minimum dimension of 9 foot by 18 foot except as specified below.
- d. Parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
- e. Required off-street parking shall be permitted in **setback areas in locations determined by the City or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.** ~~front, side, and rear setback areas subject to the following:~~
 - ~~i. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.~~
 - ~~ii. Parking spaces within a side yard must have a minimum clear space width of 10 feet. Vehicles shall not block exterior windows or doors of a dwelling or access to utility boxes or meters.~~
 - ~~iii. Vehicles must be parked on an acceptable surface of concrete, asphalt, gravel, brick, permeable paver or other stable, dust-free surface.~~

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- ~~iv. No more than 50% of a front yard shall be dedicated to vehicle parking.~~
- ~~v. No parking shall be allowed in front yard landscaping areas.~~
- ~~vi. Access to on-site parking spaces shall be provided via an approved driveway location only.~~
- f. When a garage, carport, or covered parking structure that provides the required spaces for the primary dwelling is demolished or converted in conjunction with the construction of an ADU, no replacement parking shall be required.
- g. Parking Exemption: A parking space for an ADU shall not be required in any of the following instances:
 - i. The ADU is located within one-half mile walking distance of public transit.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the existing or proposed primary **dwelling residence** or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is a car share vehicle located within one block of the ADU.
 - vi. When a permit application for a ADU is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code Section 66322(a).**
 - vii. ADUs constructed in accordance with Government Code Section 66323.**
- 5. ~~Design. ADUs shall be architecturally compatible with the primary dwelling in terms of design, building and roofing~~

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~~materials, colors, and exterior finishes. The ADU may have a flat or pitched roof.~~

6. Impact Fees & Utilities.
 - a. The City shall not impose any impact fees upon the development of an ADU or JADU.
 - b. ADUs and JADUs shall comply with water and sewer requirements as determined by the Water Utilities Department. ADUs shall not be considered a new residential use for the purposes of calculating new utility connection fees or capacity charges for water and sewer service.
 - c. The City shall not require a new or separate utility connection or impose a related connection fee or capacity charge for ADUs or JADUs that are contained within an existing residence or accessory structure.
 - d. For new attached and detached ADUs, the City may require a new or separate utility connection. The fee must be proportionate to the burden of the unit upon the water or sewer system and shall not exceed the reasonable cost of providing the service.
 - e. Where a private sewage disposal system is being used by the ADU, approval by the local health officer may be required.

E. Conditions.

1. **Except as otherwise provided in Government Code Section 65852.26 66341, an An ADU/JADU shall not be sold or otherwise conveyed separate from the primary dwelling residence.**
2. An ADU/JADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.
3. Neither the ADU/JADU nor the primary dwelling unit shall be rented for a term of less than 31 days. ADUs on multi-family properties shall be subject to this provision, except the restriction shall not apply to existing multi-family units.
4. **Owner-occupancy shall be required for a property developed with a JADU. The owner may reside in either the primary dwelling or the JADU. All JADUs that share sanitation**

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facilities with the primary dwelling unit are subject to an owner-occupancy requirement unless the owner is another governmental agency, land trust, or housing organization. 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. If the JADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization then the property owner does not have to reside on the property pursuant to Government Code Section 66333(b).

5. The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with each and every condition referenced in this section.