



City of Oceanside

300 North Coast Highway,
Oceanside, California 92054

Staff Report

File #: 26-1268

Agenda Date: 3/11/2026

Agenda #: 22.

DATE: March 11, 2026

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

TITLE: INTRODUCTION OF AN ORDINANCE AMENDING ARTICLE 30, SECTION 3006 OF THE OCEANSIDE ZONING ORDINANCE (ZA25-00004) AND ADOPTION OF A RESOLUTION ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM (LCPA25-00002) - ACCESSORY DWELLING UNIT ORDINANCE REVISIONS 2026 - APPLICANT: CITY OF OCEANSIDE

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Article 30, Section 3006 of the Zoning Ordinance (ZA25-00004) and adopt a resolution establishing the amended text as part of the implementing document of the Local Coastal Program (LCPA25-00002) to incorporate revisions to the Accessory Dwelling Unit (ADU) Ordinance.

BACKGROUND AND ANALYSIS

Over the past several years, state legislation has continually evolved in support of a more efficient and streamlined approach towards addressing the state's housing crisis. During this time, state legislation has significantly incentivized the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as means to address that housing need. As a procedural matter, the City periodically updates its local laws to ensure the City's compliance and consistency with state legislation. In the case of ADUs and JADUs, even if a state law is not expressly written into City's policy, staff adjusts project reviews as warranted to ensure compliance. In this case, the proposed update to the City's ADU ordinance is intended to incorporate recent changes to state law governing ADUs. The City will continue to enforce the local ADU ordinance consistent with these changes in an effort to harmonize the ordinance with state updates. This will assist both the public and staff by having clear and current ordinance language.

The City's ADU ordinance was last amended by the City Council on February 23, 2022. The adopted ordinance, Ordinance No. 22-OR0114-1, is included as Attachment 4 to the staff report.

In accordance with state law, the City submitted the 2022 ADU ordinance to the California Department of Housing and Community Development (HCD) for review. HCD submitted written findings to the City of Oceanside Planning Division pursuant to Government Code Section 66326(a) on May 20, 2025. HCD acknowledged the City's 2022 ADU ordinance addressed many statutory requirements; however, HCD also recommended several modifications to address specific state law

ADU provisions. The letter provided by HCD (Attachment 5) includes an enumerated list of revisions that are required to bring the City's 2022 ADU ordinance into compliance with state law. Such revisions to ADU law reiterate the state's commitment to streamlining project review and reducing regulatory barriers to facilitate the construction of ADUs and JADUs, thereby supporting affordable housing production and providing homeowners with opportunities to gain supplemental income.

In addition to addressing HCD's concerns, the City's ADU ordinance must be updated to conform to new ADU regulations enacted by the state legislature in 2025 per Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9, and SB 543. The following is a brief summary of the significant changes made by these bills.

- **AB 462:** Requires that the coastal development permit (CDP) process occurs concurrently with the building permit application and that an application to create an ADU shall be approved or denied within 60 days upon receipt of a complete application. AB 462 also eliminates the public hearing requirement for a CDP and the ability to appeal a CDP to the California Coastal Commission.
- **AB 1154:** Revises the owner-occupancy requirements for JADUs to only apply to JADUs that share sanitation facilities with the primary dwelling unit.
- **SB 9:** Revises legislation to state local ADU ordinances are null and void if not timely submitted to HCD (within 60 days), including timely responding to HCD's findings that a local ordinance does not comply with state law, and adoption of a non-compliant ordinance may be referred to the Attorney General for enforcement.
- **SB 543:** Amends state law to specify the allowable square footage for an ADU or JADU interior livable space, requires applications for ADUs or JADUs to be reviewed for completeness within 15 business days and completed applications approved or denied within 60 days, and confirms that a combination of ADUs created under Government Code Section 66323 (i.e., a detached ADU, ADU conversion, and JADU) are permitted ministerially.

AB 462 was enacted as an urgency measure and took immediate effect when signed on October 10, 2025. AB 1154, SB 9 and SB 543 were enacted on the same day as AB 462 and took effect on January 1, 2026.

In order for the City to continue regulating ADU development under a local ordinance, the City is required to adopt revisions to the existing ADU ordinance in compliance with state law. As such, staff is proposing to update Zoning Ordinance Section 3006 (ADUs) to incorporate modifications to the ordinance as recommended by HCD and include applicable provisions of the recently enacted 2025 legislation.

On January 12, 2026, the Planning Commission was scheduled to consider the proposed revisions to the City's ADU ordinance; however, due to lack of quorum the meeting could not officially proceed. That same day, the California Housing Defense Fund (CalHDF) submitted a letter regarding the proposed amendments (Attachment 6). The letter acknowledged the City's efforts to update the ADU ordinance, but highlighted areas of the ordinance that were not compliant with state law. Staff has reviewed those comments and updated the ordinance to reflect the proposed revisions to the ADU ordinance as warranted to address CalHDF's concerns.

The existing ADU ordinance and associated Local Coastal Program Amendment (LCPA) have yet to be certified by the California Coastal Commission (CCC), which precludes the City from imposing these policies on projects located within the Coastal Zone. Upon the City Council's approval of the proposed revisions to the ADU ordinance and certification of the proposed LCPA, a comprehensive updated ADU Ordinance and LCPA would be submitted to the CCC for its review and certification.

PROJECT DESCRIPTION

The proposed project is a request for zoning text amendments to Article 30, Section 3006 of the Zoning Ordinance to incorporate the following changes (new text is indicated by ***bold/italic/underline*** and deleted text is indicated by ~~strikeout~~. Text previously adopted by the City Council, but has yet to be certified by the CCC is indicated by **bold/underline** for new text or **~~bold/strikeout~~** for deleted text). Staff recommends the City Council approve the following proposed modifications:

1. Update to references regarding the revised Government Code Sections.
2. Insertion of the following language to defer to ADU/JADU state law provisions, as appropriate:

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.

3. Amendment of Zoning Ordinance Subsection 3006.A, which includes a definition of allowable square footage as specified in SB 543 as follows:

Allowable square footage: The net square footage of interior livable space for a proposed ADU or JADU.

4. Amendment of Zoning Ordinance Subsection 3006.A.2 to comply with state law provisions for JADUs pursuant to Government Code Section 66333 as follows:

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**. 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-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.***

5. Amendment of Zoning Ordinance Subsection 3006.B.2.f to incorporate provisions of state law that allow for a combination of ADU types (i.e. converted ADU, detached ADU, new construction ADU, JADU, etc.) to homeowners that satisfy specified requirements as described in Government Code Section 66323 as follows:

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 Section 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.

(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.

6. Amendment to Zoning Ordinance Subsection 3006.B.5.c to remove maximum size restrictions and number of allowable ADUs on a multi-family lot pursuant to Government Code Section 66323.

~~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.~~

7. Amendment to Zoning Ordinance Subsection 3006.C.1 to: 1) clarify that the City shall determine if an ADU or JADU application is complete within 15 business days of submittal and shall approve or deny applications for ADUs or JADUs within 60 days from receiving a completed application pursuant to Government Code Section 66317 and 2) revise the certificate of occupancy issuance pursuant to Government Code Section 66328(b) as follows:

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).**

8. Amendment to Zoning Ordinance Subsection 3006.C.4 to include provisions outlined in AB 462 pertaining to Coastal Development Permits (CDPs) as follows:

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).**

9. Amend subsection 3006.D.b to remove size restrictions for ADUs constructed on a lot that has an existing or proposed multifamily dwelling unit and constructed pursuant to Government Codes Section 66323 as follows:

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 66323A.4.

10. Amendment to Zoning Ordinance Subsection 3006.D.1.d to account for the maximum heights allowable for ADUs constructed under Government Code Sections 66314 and 66323 as

follows:

Statewide Exemption ADU: An attached or detached ADU with a maximum size of 850 square feet or 1,000 square feet with more than one bedroom shall be permitted in any circumstance subject to a maximum height of 16 feet, four-foot side and rear yard 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.**

11. Amendment to Zoning Ordinance Subsection 3006.D.3 to remove setback requirements for ADUs constructed in accordance with Government Code Section 66323 as follows:

3. Required Setbacks, **except for ADUs constructed in accordance with Government Code Section 66323.**

12. Amendment to Zoning Ordinance Subsection 3006.D.3.c to revise the front yard setback requirement for ADUs constructed under Government Code Section 66314 as follows:

All ADUs shall meet the front yard setback. **ADUs exceeding 800 square feet shall meet the front yard setback of the underlying zoning district.**

13. Amendment to Zoning Ordinance Subsection 3006.D.4 to remove lot coverage requirements for ADUs and JADUs constructed under Government Code Section 66323 as follows:

ADUs exceeding 800 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.**

14. Amendment to Zoning Ordinance Subsection 3006.D.5.e to further establish off-street parking requirements in order to comply with Government Code Section 66314 as follows:

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.
 - 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.
15. Amendment to Zoning Ordinance Subsection 3006.D.5.g to include all parking exemptions per Government Code Section 66322 and 66323 as follows:
- vii. **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).**
 - viii. **ADUs constructed in accordance with Government Code Section 66323 will be exempt of parking requirements.**
16. Deletion of Zoning Ordinance Subsection 3006.D.5 (Design) to comply with Government Code Section 66314 as follows:

Design. ADUs shall be architecturally compatible with the primary dwelling in terms of design, building and roofing materials, colors, and exterior finishes. The ADU may have a flat or pitched roof.

17. Amendment to Zoning Ordinance Subsection 3006.E.4 to incorporate provisions related to JADUs enacted by AB 1154 as follows:

All JADUs that share sanitation 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).

The full text of the proposed Zoning Ordinance Article 30, Section 3006 is included as Exhibit A to the City Council Ordinance (Attachment 2 to the staff report).

ENVIRONMENTAL DETERMINATION

The proposed text amendments are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines, Article 18, Section 15282(h) pertaining to adoption of an accessory dwelling unit ordinance.

FISCAL IMPACT

No fiscal impact.

COMMISSION OR COMMITTEE REPORT

On February 9, 2026, the Planning Commission conducted a duly-noticed public hearing on the proposed amendments. At the meeting some Planning Commissioners raised concerns regarding the proposed parking requirements, the potential impacts of off-street ADU parking requirements, and the potential effect on parkways and neighborhood character resulting from the updated ordinance. Staff clarified that the proposed revisions to the ADU ordinance do not impose additional parking requirements for ADUs but rather introduce additional parking exemptions for certain ADUs pursuant to state law. There was a motion to remove parking requirements for all ADUs, but the motion failed due to a 3-3 vote (with 1 commissioner absent). A second motion was brought forward to adopt the resolution to recommend the City Council approval of Zone Amendment ZA25-00004 and Local Coastal Program Amendment LCPA25-00002 as recommended by staff and defer to the City Council to provide direction regarding parking requirements for ADUs that do not qualify for a parking exemption. This motion passed 5-1 (with 1 commissioner absent).

CITY ATTORNEY'S ANALYSIS

The supporting documents have been reviewed and approved as to form by the City Attorney.

Prepared by: Shannon Vitale, Principal Planner

Reviewed by: Darlene Nicandro, Development Services Director

Submitted by: Jonathan Borrego, City Manager

ATTACHMENTS

1. Staff Report
2. Ordinance with Exhibit A
3. Resolution
4. Ordinance No. 22-OR0114-1
5. HCD Letter
6. CalHDF Letter
7. Notice of Exemption