



1 Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

2 **SECTION 3. General Plan.** The City Council hereby finds that the adoption of the  
3 Ordinance is consistent with the General Plan as a matter of law under Government Code  
4 section 66314(c).

5 **SECTION 4. Code Amendment.** Section 18.48.150 – ACCESSORY  
6 DWELLING UNITS of the Colton Municipal Code is hereby amended and restated to  
7 read in its entirety as provided in Exhibit “A-1,” attached hereto and incorporated herein  
8 by reference.

9 **SECTION 5. Effective Date.** This Ordinance takes effect 30 days after its  
10 adoption.

11 **SECTION 6. HCD Submittal.** In accordance with Government Code section  
12 66326, the City Clerk is directed to submit a copy of this Ordinance to the California  
13 Department of Housing and Community Development within 60 days after adoption.

14 **SECTION 7. Publication.** The City Clerk is directed to certify to the adoption of  
15 this Ordinance and post or publish this Ordinance as required by law.

16 **SECTION 8. Custodian of Records.** The custodian of records for this Ordinance is  
17 the City Clerk and the records comprising the administrative record are located at 650 N.  
18 La Cadena Drive, Colton, CA 92324.

19 **SECTION 9. Severability.** If any provision of this Ordinance or its application to any person or  
20 circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no  
21 effect on the other provisions or applications of the Ordinance that can be given effect without the  
22 invalid provision or application, and to this extent, the provisions of this Ordinance are severable.  
23 The City Council declares that it would have adopted this Ordinance irrespective of the invalidity  
24 of any portion thereof.  
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1 Exhibit "A-1"

2 **SECTION 18.48.150 – ACCESSORY DWELLING UNITS**

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4 **Section 18.48.150 - Accessory Dwelling Units**

- 5 (a) **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units  
6 (ADUs) and junior accessory dwelling units (JADUs) in compliance with California  
7 Government Code sections 65852.2 and 65852.22.
- 8 (b) **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section  
9 will not be:
- 10 (1) Deemed to be inconsistent with the City’s general plan and zoning designation for  
11 the lot on which the ADU or JADU is located.
  - 12 (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is  
13 located.
  - 14 (3) Considered in the application of any local ordinance, policy, or program to limit  
15 residential growth.
  - 16 (4) Required to correct a nonconforming zoning condition, as defined in subsection  
17 (c)(8) below. This does not prevent the City from enforcing compliance with  
18 applicable building standards in accordance with Health and Safety Code section  
19 17980.12.
- 20 (c) **Definitions.** As used in this section, terms are defined as follows:
- 21 (1) “Accessory dwelling unit” or “ADU” means an attached or a detached residential  
22 dwelling unit that provides complete independent living facilities for one or more  
23 persons and is located on a lot with a proposed or existing primary residence. An  
24 accessory dwelling unit also includes the following:
    - 25 (A) An efficiency unit, as defined by section 17958.1 of the California  
26 Health and Safety Code; and
    - 27 (B) A manufactured home, as defined by section 18007 of the  
28 California Health and Safety Code.
  - 29 (2) “Accessory structure” means a structure that is accessory and incidental to a  
30 dwelling located on the same lot.
  - 31 (3) “Complete independent living facilities” means permanent provisions for living,  
32 sleeping, eating, cooking, and sanitation on the same parcel as the single-family or  
33 multifamily dwelling is or will be situated.
  - 34 (4) “Efficiency kitchen” means a kitchen that includes all of the following:

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- (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 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.

1           (12) “Tandem parking” means that two or more automobiles are parked on a driveway  
2           or in any other location on a lot, lined up behind one another.

3           (d) **Approvals.** The following approvals apply to ADUs and JADUs under this section:

4           (1) **Building-permit Only.** If an ADU or JADU complies with each of the general  
5           requirements in subsection (e) below, it is allowed with only a building permit in  
6           the following scenarios:

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

10                   (i) Is either: within the space of a proposed single-family dwelling;  
11                   within the existing space of an existing single-family dwelling; or  
12                   (in the case of an ADU only) within the existing space of an  
13                   accessory structure, plus up to 150 additional square feet if the  
14                   expansion is limited to accommodating ingress and egress; and

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

17                   (iii) Has side and rear setbacks sufficient for fire and safety, as dictated  
18                   by applicable building and fire codes.

19                   (iv) The JADU complies with the requirements of Government Code  
20                   Section 65852.22.

21                   (B) **Limited Detached on Single-family Lot:** One detached, new-  
22                   construction ADU on a lot with a proposed or existing single-  
23                   family dwelling (in addition to any JADU that might otherwise be  
24                   established on the lot under subsection (d)(1)(A) above), if the  
25                   detached ADU satisfies each of the following limitations:

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

27                   (ii) The total floor area is 1200 square feet or smaller.

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

(C) **Converted on Multifamily Lot:** 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 **Error! Reference source not  
found.**, at least one converted ADU is allowed within an existing  
multifamily dwelling, up to a

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quantity equal to 25 percent of the existing multifamily dwelling units.

(D) **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily, 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 (e)(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) ADU Permit.**

- (A) Except as allowed under subsection (d)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (e) and (f) below.
- (B) 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 Development Services Director and approved by the City Council by resolution.

**(3) Process and Timing.**

- (A) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (B) 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 completed application. If the City has not approved or denied the completed 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

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(iii) 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.

(C) 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)(B) above.

(D) 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) **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (d)(1) or (d)(2) above:

(1) **Zoning.**

(A) An ADU or JADU subject only to a building permit under subsection (d)(1) above may be created on a lot in a residential or mixed-use zone.

(B) An ADU or JADU subject to an ADU permit under subsection (d)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(2) **Height.**

(A) Except as otherwise provided by subsections (e)(2)(B) and (e)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 35 feet in height.

(B) A detached ADU may be up to two stories with a maximum height of 30 feet 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 a 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 32 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

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- (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 two stories or 30 feet in height.
- (D) An ADU that is attached to the primary dwelling may not exceed 35 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 (e)(2)(D) may not exceed two stories.
- (E) For purposes of this subsection (e)(2), height is measured above existing legal grade to the peak of the structure.

**(3) Fire Sprinklers.**

- (A) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (B) The construction of an ADU 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 65852.26, 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) An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.
- (B) Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
- (C.) As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable

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(C) 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. However, the owner-occupancy requirement in this subsection **Error! Reference source not found.** does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

(8) **Deed Restriction.** Prior to issuance of a building permit for an ADU or 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 or designee. 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) Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
- (B) The ADU or 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 ADU or 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 ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or 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 ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

1           (9)    **Income Reporting.** In order to facilitate the City’s obligation to identify adequate  
2 sites for housing in accordance with Government Code sections 65583.1 and  
3 65852.2, the following requirements must be satisfied:

- 4                   (A)    With the building-permit application, the applicant must provide  
5 the City with an estimate of the projected annualized rent that will  
6 be charged for the ADU or JADU.  
7                   (B)    Within 90 days after each yearly anniversary of the issuance of the  
8 building permit, the owner must report the actual rent charged for  
9 the ADU or JADU during the prior year. If the City does not  
10 receive the report within the 90-day period, the owner is in  
11 violation of this Code, and the City may send the owner a notice of  
12 violation and allow the owner another 30 days to submit the report.  
13 If the owner fails to submit the report within the 30-day period, the  
14 City may enforce this provision in accordance with applicable law.

15           (10)   **Building & Safety.**

- 16                   (A)    **Must comply with building code.** Subject to subsection  
17 (e)(10)(B) below, all ADUs and JADUs must comply with all local  
18 building code requirements.  
19                   (B)    **No change of occupancy.** Construction of an ADU does not  
20 constitute a Group R occupancy change under the local building  
21 code, as described in Section 310 of the California Building Code,  
22 unless the Building Official makes a written finding based on  
23 substantial evidence in the record that the construction of the ADU  
24 could have a specific, adverse impact on public health and safety.  
25 Nothing in this subsection (e)(10)(B) prevents the City from  
26 changing the occupancy code of a space that was uninhabitable  
27 space or that was only permitted for nonresidential use and was  
28 subsequently converted for residential use in accordance with this  
section.

(f)    **Specific ADU Requirements.** The following requirements apply only to ADUs that  
require an ADU permit under subsection (d)(2) above.

(1)    **Maximum Size.**

- (A)    The maximum size of a detached or attached ADU subject to this  
subsection (f) is 850 square feet for a studio or one-bedroom unit  
and 1,200 square feet 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 75 percent of the floor area of the  
existing primary dwelling.

Application of other development standards in this subsection (f), such as FAR or lot

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

4 (2) **Setbacks.**

- 5 (A) An ADU that is subject to this subsection (f) must conform to a  
6 25-foot front-yard setback.
- 7 (B) ADU that is subject to this subsection (f) must conform to 4-foot  
8 side- and rear-yard setbacks.
- 9 (C) No setback is required for an ADU that is subject to this  
10 subsection (f) if the ADU is constructed in the same location and  
11 to the same dimensions as an existing structure.

12 (3) **Lot Coverage.** No ADU subject to this subsection (f) may cause the total lot  
13 coverage of the lot to exceed 55 percent, subject to subsection **Error! Reference  
14 source not found..**

15 (4) **Minimum Open Space.** No ADU subject to this subsection (f) may cause the total  
16 percentage of open space of the lot to fall below 30 percent, subject to subsection  
17 **Error! Reference source not found..**

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

20 (6) **Parking.**

- 21 (A) Generally. One off-street parking space is required for each ADU.  
22 The parking space may be provided in setback areas or as tandem  
23 parking, as defined by subsection (c)(12) above. Off-street parking  
24 shall be permitted in setback areas or through tandem parking,  
25 unless specific findings are made that parking in setback areas or  
26 tandem parking is not feasible based on specific site or regional  
27 topographical or fire and safety conditions.
- 28 (B) The required parking space for the ADU must be located on the  
same lot as the ADU.
- (C) Access to all required parking for the ADU and primary dwelling  
must be from a public street, an alley, or a recorded access  
easement. For any lot served by a panhandle or easement access,  
the access must be a minimum 20 feet in width.

Curb cuts providing access from the public right-of-way to on-site parking spaces must be  
approved by the City Engineer in accordance with established, objective standards. A  
construction permit from the City Engineer shall be obtained for any new or widened curb cuts.

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- (A) Required parking spaces or required maneuvering area must be free of any utility poles, support wires, guard rails, stand pipes or meters.
- (B) All required parking spaces must be kept clear for parking purposes only.
- (C) Exceptions. No parking under subsection (f)(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 under subsection (d)(1)(A) above.
  - (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 (f)(6)(C)(i) through (v) above.
- (D) No Replacement. When a garage, carport, or 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 match the appearance and architectural design of 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.

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- (C) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- (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) Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- (G) All windows and doors in an ADU are 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 and adjacent parcels as follows:

- (A) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24” box size plant shall be provided for every ten linear feet of exterior wall.
- (B) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
- (C) All landscaping must be drought-tolerant.
- (D) All landscaping must be from the City’s approved plant list.

**(9) Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

**(g) Fees. The following requirements apply to all ADUs that are approved under subsections (d)(1) or (d)(2) above.**

**(1) Impact Fees.**

No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (g)(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

1 not include any connection fee or capacity charge for water or sewer service.

- 2 (A) Any impact fee that is required for an ADU that is 750 square feet  
3 or larger in size must be charged proportionately in relation to the  
4 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.)

5 **(2) Utility Fees.**

- 6 (A) If an ADU is constructed with a new single-family home, a  
7 separate utility connection directly between the ADU and the  
8 utility and payment of the normal connection fee and capacity  
charge for a new dwelling are required.
- 9 (B) Except as described in subsection (g)(2)(A), converted ADUs on a  
10 single-family lot that are created under subsection (d)(1)(A) above  
11 are not required to have a new or separate utility connection  
directly between the ADU and the utility. Nor is a connection fee  
or capacity charge required.
- 12 (C) Except as described in subsection (g)(2)(A), all ADUs that are not  
13 covered by subsection (g)(2)(B) require a new, separate utility  
14 connection directly between the ADU and the utility.
- 15 (i) The connection is subject to a connection fee or capacity  
16 charge that is proportionate to the burden created by the  
17 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.
- 18 (ii) The portion of the fee or charge that is charged by the City  
19 may not exceed the reasonable cost of providing this  
service.

20 **(h) Nonconforming Zoning Code Conditions, Building Code Violations, and**  
21 **Unpermitted Structures.**

- 22 **(1) Generally.** The City will not deny an ADU or JADU application due to a  
23 nonconforming zoning condition, building code violation, or unpermitted structure  
24 on the lot that does not present a threat to the public health and safety and that is  
25 not affected by the construction of the ADU or JADU.

26 **(2) Unpermitted ADUs and JADUs constructed before 2020.**

27 **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize  
28 an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial  
is based on either of the following grounds:

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- (i) The ADU or JADU violates applicable building standards, or
- (ii) The ADU or JADU does not comply with the state ADU or JADU law (Government Code section 65852.2) or this ADU ordinance (section 18.48.150).

(B) **Exceptions:**

- (i) Notwithstanding subsection **Error! Reference source not found.**, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, unless the City makes a finding that correcting a violation is necessary to comply with standards specified in California Health and Safety Code section 17920.3.
- (ii) Subsection **Error! Reference source not found.** does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

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

**SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING.** The City Council Finds that 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 section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law

**SECTION 5. EFFECTIVE DATE.** This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

**SECTION 6. PUBLICATION.** The City Clerk shall certify to the adoption of this

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ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Colton.

**SECTION 7. FILING.** The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption. The City Clerk shall also submit a Notice of Exemption within three days after adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Colton, California, at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2025 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
FRANK J. NAVARRO, Mayor

**ATTEST:**  
\_\_\_\_\_  
ISAAC T. SUCHIL, City Clerk