

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA REPEALING AND REPLACING CHAPTER 17.23 (ACCESSORY DWELLING UNITS) OF TITLE 17 (ZONING) OF THE TEMECULA MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS IN ACCORDANCE WITH STATE LAW, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15282(H)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine and declare that:

- A. Senate Bill 477, effective March 25, 2024, reorganized Accessory Dwelling Unit Law (“ADU Law”) (formerly Government Code Sections 65852.2 and 65852.22) (now Chapter 13 of Division 1 of Title 7 of the Government Code), and has led to references to ADU Law in the Temecula Municipal Code to be no longer applicable.
- B. The State of California adopted amendments to Government Code Sections 66313, 66314, and 66323, altogether known as Senate Bill 1211, effective January 1, 2025, which further amend standards and requirements for accessory dwelling units (“ADUs”).
- C. Portions of the City’s current regulations for ADUs and Junior ADUs (“JADUs”) require amendment to remain consistent with State Law.
- D. Building Code Section 502.1 and Fire Code Section 505.1 impose address identification requirements to facilitate emergency response.
- E. On April 23, 2023, the City Council adopted Resolution No. 2023-28 instituting an addressing policy for ADUs and JADUs to ensure clear unit identification, timely emergency service response, and mail delivery.
- F. Temecula Municipal Code Section 17.23.050(B)(7) requires all ADUs, except those ADUs approved pursuant to Section 17.23.030(D), to be addressed according to existing City policy.
- G. Uniform addressing for all ADUs and JADUs, whether approved pursuant to Section 17.23.030 or not, is necessary to ensure emergency services, such as police,

paramedics, and fire, can promptly respond to emergencies that may occur in ADUs and JADUs.

- H. The City Council finds and determines that uniform addressing for all ADUs and JADUs is essential to ensure the public health and safety so that valuable time is not lost by emergency personnel in trying to locate the correct residence in the case of an emergency.
- I. The Planning Commission considered the proposed amendments to Title 17 (Zoning) of the Temecula Municipal Code (“Ordinance”) on April 16th, 2025, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did testify either in support of or opposition to this matter. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2025-09, recommending that the City Council approve the Title 17 amendments.
- J. The City Council, at a regular meeting, considered the Ordinance on May 13th, 2025, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter. At the conclusion of the public hearing, the City Council closed the public hearing and considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 2. The City Council of the City of Temecula hereby repeals and replaces Chapter 17.23 (Accessory Dwelling Units) of Title 17 (Zoning) of the Temecula Municipal Code to read as follows:

“Chapter 17.23 Accessory Dwelling Units

§ 17.23.010. Purpose and applicability.

The purpose of this chapter is to implement the requirements of Title 7, Division 1, Chapter 13 of the California Government Code to allow accessory dwelling units and junior accessory dwelling units in a manner that encourages their development but simultaneously minimizes impacts on traffic, parking, density, and other areas where the city is still permitted to exercise local control.

§ 17.23.020. Definitions.

“Accessory dwelling unit” or “ADU” has the same meaning ascribed in Government Code Section 66313(a), as the same may be amended from time to time. An accessory dwelling unit contains a kitchen, which may include plumbing, electrical, mechanical, and/or physical space set aside for cooking or meal preparation facilities, which may include space for a refrigerator, sink, wet bar, and/or dishwasher.

“Attached ADU” means an ADU that is constructed as a physical expansion (i.e. addition) of the primary dwelling or existing structure and shares a common wall with the primary dwelling or existing structure.

“Detached ADU” means an ADU that is constructed as a separate structure from the primary dwelling or existing structure, which does not share any walls with the primary dwelling or existing structure.

“Existing structure” means an existing single-family dwelling or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the city, and other applicable law.

“Junior accessory dwelling unit” or “JADU” has the same meaning ascribed in Government Code Section 66313(d), as the same may be amended from time to time. A junior accessory dwelling unit must contain an efficiency kitchen, which shall include a cooking facility with appliances, such as a refrigerator, stovetop, oven, sink, wet bar, and/or dishwasher, and a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

“Primary dwelling,” for purposes of this chapter, means the existing or proposed single-family dwelling on the lot where an ADU would be located.

“Public transit,” for purposes of this chapter, has the meaning ascribed in Government Code Section 66313(m), as the same may be amended from time to time.

§ 17.23.030. General Requirements for “Building Permit Only” ADUs and JADUs (Governed by Government Code Section 66323).

- A. An applicant shall not be required to submit an application for an ADU or JADU permit under this chapter, and may instead seek building permit approval for an ADU or JADU that satisfies the requirements of both Government Code Section 66323, as the same may be amended from time to time, and the California Building Standards Code, as amended by the city.
- B. An ADU or JADU approved by a building permit only process shall be rented only for terms of thirty-one days or longer.
- C. The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (1) the ADU or JADU is to be rented only for terms of thirty-one days or longer, unless state law and the city's municipal code are both amended to allow short-term rentals; (2) the ADU or JADU is not to be sold or conveyed separately from the primary dwelling unless state law and the city's municipal code permit otherwise, and (3) if there is a JADU on the property, either the JADU or primary dwelling shall be occupied by the owner of record. Proof of recordation of the covenant shall be provided to the city before the city issues the final building permit.

D. Pursuant to Government Code Section 66323, the city shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

1. One ADU and JADU per lot with a proposed or 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 one hundred fifty 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, Chapter 13, Division 1, Title 7 of the Government Code (commencing with Section 66333) and with the requirements set forth in subsection (E) below.

2. One detached, new construction ADU 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 subsection (D)(1) above. The ADU shall be no more than eight hundred square feet in size, with a height limit as follows:

- a. Sixteen feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit;
- b. Eighteen feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height shall be permitted to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. Eighteen feet for a detached ADU on a lot with an existing or proposed multi-family, multi-story dwelling.

3. One ADU within the 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. If requested, multiple ADUs shall be allowed, up to the number of ADUs that equals twenty-five percent of the existing multifamily dwelling units in the structure.

4. Not more than two detached ADUs located on a lot with a proposed multifamily dwelling, subject to the height limits described in Subsection (D)(2) above, as applicable, and no more than four-foot rear yard and side setbacks.
 5. Not more than eight detached ADUs or a quantity equal to the number of existing primary dwelling units on the lot, whichever is fewer, on a lot that has an existing multifamily dwelling, subject to the height limits described in Subsection (D)(2) above, as applicable, and no more than four-foot rear yard and side setbacks.
- E. In accordance with the standards set forth in Article 3, Chapter 13, Division 1, Title 7 of the Government Code (commencing with Section 66333), JADUs shall comply with the following requirements, unless state law is amended to set forth different standards in which case state law standards will govern:
1. A JADU shall be a minimum of one hundred fifty square feet and a maximum of five hundred square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of a JADU.
 2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling. Enclosed uses within the residence, such as attached garages, shall be considered part of the proposed or existing single-family residence.
 3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU. If the JADU does not include separate sanitation facilities, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
 4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing single-family dwelling.
 5. A JADU shall include an efficiency kitchen which shall include all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
 6. No additional parking is required for a JADU.
 7. The JADU or primary residence shall be occupied by the owner of record unless the owner is a governmental agency, land trust, or housing organization.
 8. The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (1) the JADU is not to be sold or conveyed separately from the primary dwelling unit; and (2) the JADU must conform with the size and attributes required by this subsection (E) and Government Code Section 66333.
- F. The city shall not issue a building permit until the applicant provides a will serve letter from the local water and sewer provider. Notwithstanding the foregoing, if a private sewage disposal system is being used, the applicant must provide documentation showing

approval by the local health officer in lieu of the will serve letter by the local sewer provider.

- G. All ADUs and JADUs constructed pursuant to this section shall satisfy the requirements of the California Building Standards Code, as amended by the city.
- H. In accordance with state law, ADUs are an accessory use or an accessory structure to the primary dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.
- I. The application for an ADU or JADU pursuant to this section must be signed by the owner(s) of the parcel of land.
- J. Where an ADU or JADU application is submitted with an application for a primary dwelling that is subject to discretionary review under this code, the ADU or JADU application will be considered separately without discretionary review or a public hearing in accordance with this section, following action on the portion of the project subject to discretionary review.
- K. Addressing. Addressing for all ADUs and JADU units shall be as follows, without exception:
 - 1. The primary residential unit, newly constructed or existing, shall be addressed according to existing policy and shall include an illuminated “Unit 1” identifier. This shall only be applicable if an ADU or JADU is proposed for the same parcel.
 - 2. A second residential unit, an ADU or JADU, shall bear the same main address as the primary residence with the additional unit bearing an illuminated “Unit 2” identifier. Any subsequent ADU or JADU shall bear the same main address as the primary residence and be sequentially numbered with the Unit number reference.
 - 3. All addresses shall be legible and physically installed in a prominent location on the building that clearly identifies which entry is associated with each address and in accordance with Section 17.28.050(N) of this code and applicable Building Code and Fire Code requirements.

§ 17.23.040. General requirements and application procedures for Ministerial ADUs (Governed by Government Code Section 66314).

- A. Before constructing an ADU or converting an existing structure to an ADU that does not fall under the “building permit approval only” requirements in Section 17.23.030, the applicant shall obtain permits in accordance with the requirements of this section.
- B. All ADUs shall satisfy the requirements of the California Building Standards Code, as amended by the city.
- C. In accordance with state law, ADUs are an accessory use or an accessory structure to the primary dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.

- D. Applications for ADUs shall be completed in accordance with Section 17.03.030 of this development code. The application for the ADU must be signed by the owner(s) of the parcel of land.
- E. The director of community development or designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the applicable requirements contained in this chapter and any other applicable law.
- F. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 66317. The city shall approve or deny the ADU permit within sixty days of receiving the application, or as the deadline required by Government Code Section 66317 may be amended from time to time.
- G. Where an ADU permit application is submitted with an application for a primary dwelling that is subject to discretionary review under this code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
- H. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction permits prior to the construction of the ADU.
- I. Addressing. Addressing for all ADUs shall be as follows, without exception:
 - 1. The primary residential unit, newly constructed or existing, shall be addressed according to existing policy and shall include an illuminated “Unit 1” identifier. This shall only be applicable if an ADU is proposed for the same parcel.
 - 2. A second residential unit, an ADU, shall bear the same main address as the primary residence with the additional unit bearing an illuminated “Unit 2” identifier. Any subsequent ADU shall bear the same main address as the primary residence and be sequentially numbered with the Unit number reference.
 - 3. All addresses shall be legible and physically installed in a prominent location on the building that clearly identifies which entry is associated with each address and in accordance with Section 17.28.050(N) of this code and applicable Building Code requirements.

§ 17.23.050. Standards for Ministerial ADUs (Governed by Government Code Section 66314).

Except those “building permit only” ADUs approved pursuant to Subsection 17.23.030(D), ADUs shall comply with the following standards:

- A. Location Restrictions. One ADU shall be allowed on a lot with a proposed or existing primary dwelling that is zoned residential.

B. Development Standards.

1. **Size Restrictions.** Except as otherwise set forth in this Section, if there is an existing primary dwelling, the total floor area of an attached ADU shall not exceed fifty percent of the gross floor area for the primary dwelling. An attached ADU that is proposed with a new primary dwelling shall not exceed one thousand two hundred square feet in floor area. A detached ADU shall not exceed one thousand two hundred square feet in total floor area. In no case shall an ADU be less than the minimum square footage of an “efficiency unit” as defined in Section 17958.1 of Health and Safety Code. In no event shall the application of these size restrictions prohibit the construction of an eight hundred and fifty square foot ADU or a one thousand square foot ADU that provides more than one bedroom.
2. **Height Restrictions.** The maximum height of any new ADU shall not exceed the following:
 - a. Sixteen feet for a detached ADU, except as provided in paragraphs b and c below.
 - b. Eighteen feet for a detached ADU on a lot that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155; or twenty feet if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. Eighteen feet for a detached ADU on a lot with an existing or proposed multistory multifamily dwelling.
 - d. Twenty-five feet or the height limit applicable to the primary dwelling, whichever is less, for an attached ADU.
3. **Transfer.** An ADU shall not be sold, transferred, or assigned separately from the primary dwelling unless the ADU was built or developed by a qualified nonprofit corporation and meets the additional requirements of Government Code Section 66341.
4. **No Short-Term Rental.** ADUs may be rented but shall not be used for short-term rentals for less than thirty-one days.
5. **Setbacks.** No setback shall be required for an ADU that is within an existing structure or new ADU that is constructed in the same location and with the same dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. An ADU shall comply with all required front yard setbacks otherwise required by the municipal code for that zoning district except where the application of the front yard setback requirement would not permit construction of an eight hundred square foot ADU with four-foot side and rear yard

setbacks on the lot. An ADU in the front yard setback area is only permissible if construction of the same ADU in the rear or side yard is entirely infeasible.

6. **Lot Coverage.** An ADU shall conform to all lot coverage requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage regulations would not permit construction of an eight hundred square foot ADU with four-foot side and rear yard setbacks.
7. **Historic Resources.** An ADU that has the potential to adversely impact any historical resource listed on the California Register of Historic Resources, shall be designed and constructed in accordance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings” found at Section 68.3 of Title 36 of the Code of Federal Regulations, as amended from time to time. An ADU shall also comply with all local historic register requirements, as well as all objective local requirements, ordinances, or specific plans that pertain to historic resources.
8. **Separation.** All detached ADUs shall have a minimum six foot separation from the primary residence, as measured in a straight line from exterior wall to exterior wall except where the application of this requirement would not permit construction of an eight hundred square foot ADU with four-foot side and rear yard setbacks. Existing accessory structures converted to an ADU shall not be required to meet this standard.

C. Design and Features.

1. **Design.** The design for a detached ADU shall be selected from the City’s pre-approved, “Permit Ready ADU” program or shall have the same materials and colors of the primary dwelling and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or specific plan area where the ADU is located. Attached ADU’s shall match the material and colors of the existing or proposed primary residence and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or specific plan area where the ADU is located.
2. **Fire Sprinklers.** ADUs are required to provide fire sprinklers if they are required for the primary dwelling. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
3. **An ADU shall have a separate exterior access.**

- D. **Covenant Required.** The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (1) the ADU is to be rented only for terms of thirty days or longer; and (2) the ADU is not to be sold or conveyed separately from the primary dwelling

except as described above in Section 17.23.050(B)(3). Proof of recordation of the covenant shall be provided to the city before the city finalizes the building permit.

E. Parking Requirements.

1. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of public transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of a proposed or existing primary dwelling or accessory structure;
 - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
2. When the ADU is created by converting or demolishing a garage, carport, covered parking structure, or uncovered parking space, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

§ 17.23.060. Fees and utility connections.

- A. ADUs and JADUs shall have adequate water and sewer services. These services may be provided from the water and sewer points of connection for the primary dwelling and not a separate set of services.
- B. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 et seq., except as follows:
 1. ADUs that are less than seven hundred fifty square feet shall not be subject to impact fees.
 2. ADUs that are seven hundred fifty square feet or more shall be charged impact fees that are proportional in relation to the square footage of the primary dwelling unit.
- C. Prior to receiving a building permit, the owner of an ADU or JADU must submit letters of service availability for water and sewer disposal to the building official.

Section 3. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15282(h) which creates a statutory exemption for the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement the provisions of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code as set forth in Section 21080.17 of the Public Resources Code. In addition, the City Council finds that the Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City’s ADU and JADU regulations in accordance with State Law will have a significant effect on the environment.

Section 4. Submission of Ordinance to HCD. In compliance with Government Code Section 66326, the Community Development Director is hereby directed to submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 5. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 27th day of May, 2025.

Brenden Kalfus, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2025-06 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 13th day of May, 2025, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 27th day of May, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk