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ORDINANCE NO. 2026-426

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING SECTION 17.11.010 OF THE CALABASAS MUNICIPAL CODE TO ALLOW ACCESSORY DWELLING UNITS IN ALL ZONING DISTRICTS WHICH PERMIT EITHER SINGLE-FAMILY OR MULTI-FAMILY HOUSING; AND, RESCINDING SECTION 17.12.170 OF THE CALABASAS MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS, AND REPLACING IT WITH A NEW SECTION 17.12.170 REGARDING ACCESSORY DWELLING UNITS, TO ALIGN THE PROVISIONS WITH CURRENT CALIFORNIA LAW

SECTION 1. Recitals

A. Pursuant to California Government Code 66314 et. Seq., cities and counties must permit accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in all zoning districts that allow for single-family and multi-family residential uses; and, reviews and approvals for ADUs and JADUs must be ministerial.

B. Section 17.12.170 of the Calabasas Municipal Code was approved and adopted in 2020; the ensuing five years brought more than 45 changes to California statutes governing ADUs and JADUs, rendering the City's Accessory Dwelling Unit ordinance non-compliant.

C. The proposed revisions to section 17.12.170 of the Calabasas Municipal Code are necessary to comply with current California law, and the proposed ordinance is exempt from environmental impact review per CEQA Guidelines section 15061(b)(3) (General Review Exemption).

D. Following a public hearing, on June 18, 2026, The Planning Commission adopted P. C. Resolution No. 2026 – 819 recommending to the City Council adopt this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 2. The City Council of the City of Calabasas hereby finds and determines that the above recitals are true and correct.

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SECTION 3. To comply with the provisions of California Government Code Section 66314, et. Seq., the City Council hereby: 1) amends section 17.11.010 of the Calabasas Municipal Code by adding accessory dwelling units and junior accessory dwelling units as allowed land uses in the Recreation (REC) zoning district; and, 2) repeals section 17.12.170 of the Calabasas Municipal Code regarding accessory dwelling units and replaces it with a new section 17.12.170 regarding accessory dwelling units (Exhibit A, hereby incorporated by reference).

SECTION 4. Findings required per California Government Code. CGC Section 66326 stipulates that for any part of an ADU ordinance that does not fully comply with the applicable statutes, findings in support of the provision(s) must be incorporated into the ordinance.

The March 2026 edition of the *Accessory Dwelling Unit Handbook* and written communications from the California Department of Housing and Community Development (HCD) to the Calabasas Community Development Department (CDD) include interpretations of California Government Code (CGC) section 66323(a) which are inconsistent with the interpretation by the City of Calabasas, as provided within this ordinance; the rationale and findings in this section support the City's position.

HCD asserts that under CGC section 66323(a) local jurisdictions must allow a JADU, a detached ADU, *and* an ADU converted from space within the single-family dwelling, for a total of *four* units permitted on a property zoned for single-family residential use. Also, for a property that qualifies for a lot split under SB 9, state law would then require that the City allow an additional unit on the property for a total of *five* units.

CGC section 66323, subsection (a) says that a city shall "ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units, or any combination of the following units." It does <u>not</u> say "*all* of the following"; nor does it say "*one or more* of the following"; nor does the word "and" follow the penultimate item to indicate that the list is fully inclusive. Such principle of construction supports the conclusion that providing an entitlement for "*any* of the following" does not infer an entitlement to "*all* of the following."

Abundantly clear is that an ADU may be combined with a JADU, as described in subparagraph 66323(a)(1)(A). Consequently, a property owner can have both a JADU and a detached ADU, or the owner can have both a JADU and an attached ADU, but not a JADU and two different ADUs. Paramount in understanding the statute is the very first sentence of CGC 66323(a), which speaks to only the required <u>ministerial processing</u> of a building permit – whether or not the permit is for one ADU, one JADU, or a combination *of* an ADU *(one type <u>or</u> another type)*

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and a JADU. (Even a combination of all three must be processed ministerially, *if* all three are locally permitted, per the authorization granted under CGC 66325(b).) California Government Code Section 66323(a) fundamentally specifies a ministerial building permit pathway for specific unit types, rather than a cumulative zoning entitlement requiring approval of all listed sub-paragraphs on a single single-family parcel.

Section 66323(a) is a procedural directive governing *how* a permit must be processed (ministerially, without discretionary hearings or environmental review) once a unit type is permitted. Reading Section 66323(a) as an absolute entitlement to four or five units per lot directly conflicts with the local regulatory authority explicitly preserved under Section 66325(b). The City of Calabasas interprets that while any locally permitted ADU or JADU project scope must be processed ministerially through a building permit, the substantive unit caps established by this Ordinance properly harmonize the distinct provisions of State ADU law without creating unlegislated structural densities on single-family lots.

The updated ADU ordinance that follows (Exhibit A) requires that one ADU (either attached or separate) and one JADU be allowed on a property zoned for single-family residential use, and it requires that the accessory dwelling units (whether one or several) be processed ministerially, consistent with this interpretation.

SECTION 5. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption pursuant to Government Code Section 36937. Within thirty (30) days of the adopted ordinance, the City shall transmit a copy to the California Department of Housing and Community Development.

SECTION 7. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published pursuant to Government Code section 36933.

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PASSED, APPROVED AND ADOPTED October 14, 2026.

Signed by:
James R. Bozajian
DCF96DB7EBC7402...
JAMES R. BOZAJIAN, Mayor

ATTEST:

Signed by:
Kristy Buxkemper
DCF96DB7EBC7402...
KRISTY BUXKEMPER, City Clerk

APPROVED AS TO FORM:

Signed by:
D8DD109D5C3740F...
PAM LEE, City Attorney

Attachments to Resolution: Exhibit A

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I CERTIFY THAT THE FOREGOING RESOLUTION NO. 2026-426 was passed and adopted by the City Council of the City of Calabasas at the regular meeting held on October 14, 2026, by the following vote:

AYES:	4	Councilmembers: Kraut, Shapiro, Weintraub, and Albrecht
NOES:	1	Councilmembers: Bozajian
ABSTAIN:	0	
ABSENT:	0	

Signed by:
Kristy Buxkemper
DCF96DB7ERC7402...

KRISTY BUXKEMPER, City Clerk
(seal)

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EXHIBIT A TO ORDINANCE NO. 2026-426

17.12.170 Accessory Dwelling Units and Junior Accessory Dwelling Units.

This section establishes standards for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), where such housing units are allowed by Section 17.11.010.

A. Legislative Findings. As provided in this section, and In compliance with Government Code Section 66310, the City finds that accessory dwelling units and junior accessory dwelling units are consistent with the allowable density and with the General Plan and zoning designations for residentially zoned and mixed-use zoned areas of the city.

B. Definitions.

1. "Accessory dwelling unit" means an attached or detached accessory housing unit, located on the same parcel as the primary single-family or multi-family dwelling, which provides complete independent living facilities for a household, and which includes permanent facilities for living, sleeping, eating, cooking, and sanitation.

2. "Converted" or "Conversion" means the re-purposing of all or a portion of an existing structure as an accessory dwelling unit entirely within the existing structure building envelope and in accordance with the residential building and construction standards set forth in the applicable California Building Codes.

3. "Efficiency kitchen" means a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

4. “Junior Accessory Dwelling Unit” (JADU) means a housing unit, which provides living facilities (including sleeping and cooking) for one (1) or more persons, that is contained entirely within a proposed or existing single-family residence, and which does not exceed 500 square feet of living space.

5. “Living space” means the total living area of an ADU or JADU, as measured from the interior sides of the outer walls of the structure or unit.

C. Development Standards.

1. One ADU (attached or detached), and one JADU, as specified in subsection (D), may be established on a legal lot located within the RS, RR, HM, RC, PD, REC, or OS zoning districts, in addition to a primary single-family dwelling.

2. As many as eight (8) ADUs may be established on a property located within the Residential Multi-family (RM) or Commercial Mixed-Use (CMU) zoning districts, provided that the number of ADUs shall not exceed the number of primary dwelling units on the property, and the ADUs are created from space(s) not already occupied by a primary dwelling unit.

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3. Primary Dwelling Required.

   An ADU or JADU shall be allowed only on lots already developed with a legally established single-family dwelling (for properties located in the RS, RR, RC, HM, OS, REC, or PD zoning districts), or one or more multi-family residential structures (for properties located in the RM or CMU zoning districts). An ADU may otherwise be developed in concert with a proposed new single-family housing unit.

4. Sanitary Sewer Service Required. Any proposed ADU or JADU shall be served by sanitary sewer or a legally permitted onsite wastewater treatment system.

5. Primary and Accessory Dwellings Not Separable. The accessory dwelling unit shall not be sold separately from the primary dwelling, except as provided under California Government Code section 66341.

6. Short-term Rentals Prohibited. Consistent with Section 17.12.175, the accessory dwelling unit shall not be used for any short-term rental or transient rental or occupancy for any purpose, including but not limited to a vacation, for less than thirty (30) days if that rental or occupancy occurs in exchange for any form of compensation or consideration.

7. Site Layout and Design. The location and design of an accessory dwelling unit shall comply with the development standards applicable to the property zoning and any applicable overlay zone, as well as the following requirements (Table 2-4, below). Where any listed standard in Table 2-4 conflicts with a standard for the primary zoning district or an applicable overlay zone, the standard in Table 2-4 prevails.

8. Notwithstanding the standards in Table 2-4, one accessory dwelling unit shall be allowed when that unit provides 800 square feet or less of living space, plus an additional 150 square feet of independent exterior access space, the unit does not exceed sixteen (16) feet in height, and the unit would be located on a lot such that the rear and side yard setback distances are not less than four (4) feet.

Table 2-4
Accessory Dwelling Unit Requirements

Development Feature	Requirement
Maximum floor area	Maximum 1,200 sq. ft. of living space, provided, however, that the total living space of the ADU shall not exceed 50% of the living space of the primary dwelling.
Minimum living space	Minimum 220 sq. ft. of living space shall be provided, pursuant to the International Building Code of the International Code Council standards.
ADUs on properties served by on-site wastewater treatment systems (OWTS)	For properties not served by a public sanitary waste collection and treatment facility, an ADU proposal shall demonstrate adequate waste handling capacity for the entirety of the property via an operable and permitted on-site wastewater treatment system (OWTS).

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Site coverage, detached rear-yard ADUs	Maximum of 30% of the rear yard area may be covered by structures, including the areas covered by the accessory dwelling unit and any other accessory structures, and projections of the primary dwelling.
Front setbacks	As required for the applicable zoning district.
Side Setbacks	Four (4) feet minimum. No greater side yard setback requirements shall apply to units constructed entirely within an existing and legally established garage.
Rear Setback	Four (4) feet minimum for detached ADUs; four (4) feet minimum for attached ADUs and for ADU's constructed above an existing detached garage. Only a converted ADU may intrude into the 4-foot minimum setback, and only when the existing primary structure is legal nonconforming with an intrusion into the 4-foot setback. The amount of setback intrusion by any converted ADU shall not exceed existing legal nonconforming condition(s).
Interior Setbacks	For detached ADUs: ten (10) feet, minimum, from primary dwelling or other structure. The director may approve an interior setback of a lesser distance, if necessary, to accommodate a detached accessory dwelling unit that: occupies 800 sq. ft. or less in living space; is not greater than sixteen (16) feet in height; and, the unit would be located on the property such that the rear and side yard setback distances are not less than 4 feet.
Height limit	Detached ADUs: One story, 16 ft. maximum (see Section 17.20.140 for height measurement); or as otherwise specified within Cal. Gov. Code section 66321(b). For attached ADUs and ADUs placed above a garage, the maximum allowable height is 25 feet, or as otherwise specified for the applicable zoning district(s), whichever is greater.
Utilities	An accessory dwelling unit shall not require new or separate utility connections directly between the accessory dwelling unit and the utility, except for accessory dwelling units constructed at the same time as a new single-family dwelling.
Facilities	An accessory dwelling unit shall contain independent sleeping, kitchen and bathroom facilities, separate from the primary dwelling unit.

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Vehicle Parking	One off-street vehicle parking space shall be provided for an ADU. Tandem parking is allowed. Off-street vehicle parking is limited to driveways, garages, carports, and other lawfully paved areas; and is prohibited in the front yard or other landscaped areas of the property. When a garage, carport, or other covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, the required off-street parking for the primary unit need not be replaced. No additional parking space is required for the accessory dwelling unit if any of the following is true: A. The unit is located within one-half mile walking distance of regularly scheduled public transit; B. The unit is located within architecturally and historically significant historic district; C. The unit is part of the existing legal primary residence or an existing legal accessory structure; D. On-street preferential permits are required by the city but not offered to the occupant of the unit; or, E. A publicly accessible and presently operating car share vehicle parking facility is located within one block of the unit.
Fire Sprinkler Systems	Where the primary residence(s) are furnished with a fire sprinkler system, a proposed ADU or JADU shall include a fire sprinkler system.

9. Occupancy of an accessory dwelling unit shall not be permitted prior to issuance of an occupancy permit or other final approval for the primary dwelling.

F. Junior Accessory Dwelling Units.

1. Prior to a certificate of occupancy, a deed restriction shall be recorded, and a copy of the recorded deed restriction shall be furnished to the department. The deed restriction shall include: prohibition of sale of the JADU separate from the primary residence, including a statement that the restriction may be enforced against all future purchasers; and, a restriction on the size and attributes of the JADU, such that the unit remains consistent with the approved planning and building permits.
2. A JADU may be created from space within the walls of an existing or proposed primary single-family residence. This may include original garage space.
3. A JADU shall contain independent sleeping and kitchen facilities (may be an efficiency kitchen), separate from the primary dwelling unit. Bathroom facilities for a JADU may

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be independent or shared.

4. Where sanitary waste disposal and treatment facilities (sewer or septic) are shared between a primary dwelling and a JADU, the property owner must reside on the property – either within the single-family residence or the junior accessory dwelling unit. This requirement does not apply to properties owned by governmental entities, land trusts, or housing organizations.
5. The living space for a junior accessory dwelling unit shall not be less than two hundred and twenty (220) square feet, or greater than five hundred (500) square feet.
6. Separate entrance required. The junior accessory dwelling unit must include a separate entrance from the main entrance to the primary residence.
7. Short-term Rentals Prohibited. Consistent with Section 17.12.175, no JADU shall not be used for any short-term rental or transient rental or occupancy for any purpose, including but not limited to a vacation, for less than thirty (30) days if that rental or occupancy occurs in exchange for any form of compensation or consideration.
8. No additional off-street parking required.

G. Conversion of existing building space to Accessory Dwelling Units.

1. Legal non-conforming conditions. Relative to applicable zoning standards only, existing legal non-conforming conditions need not be corrected for accommodation of an ADU.
2. For the conversion of an existing structure for which there is no record of a building permit having been issued, approval of an ADU permit shall not occur until a safety inspection of the existing structure has been completed by the Building Official and fire department. An applicant must commit to convert the space to an ADU as necessary and appropriate to comply with applicable health and safety codes, including without limitations the following:
    a. Provide an independent entrance to the accessory dwelling unit.
    b. Provide direct access to exterior of building from each bedroom (e.g., by way of a door or window) for the purpose of emergency egress.
    c. Provide adequate light and ventilation in each habitable room.
    d. Provide a minimum seven-foot-high ceiling in all rooms, kitchens, halls, and baths.
    e. Provide properly installed electrical wiring including separate access to an electrical shut-off.
    f. Provide proof of structural integrity, including that the foundation is not cracked, damaged, or shifting and the framing is not sagging or deteriorating.
    g. Provide heating as required under the California Building Code, and separate access to gas shut-off, if applicable.
    h. Provide working plumbing, including kitchen and bathroom facilities with hot water, water heater strapped and properly vented, and connection to approved sewage system.

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i. Provide proof of fire safety, including that hallways serving sleeping rooms must have smoke and carbon monoxide detectors and each sleeping room must have a smoke detector.

2. Once an inspection by the Building Official and fire department occurs, the property owner is required to correct all documented violations of the current health and safety codes for the structure(s) and use(s), even in the event the applicant withdraws the accessory dwelling unit permit application.

H. Permit Process.

1. All proposed accessory dwelling units and junior accessory dwelling units are subject to review for compliance with the terms of this chapter by the community development director, or designee. Review of an application for an accessory dwelling unit permit or junior accessory dwelling permit is a ministerial action, via a Zoning Clearance and building permits. Review of a zoning permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be accomplished within fifteen (15) business days of the date of submittal, with a written determination of either application completeness or incompleteness to be issued on or before the fifteenth day. Not later than sixty (60) days of receipt of a complete application submission, the director shall either approve or deny the permit. The director shall not approve an application for an accessory dwelling unit permit or issue an accessory dwelling unit permit unless the proposed accessory dwelling unit complies with the requirements of this chapter.

2. The decision of the director may be appealed, as specified by CMC chapter 17.74. Timely filed appeals shall be decided at a public hearing within 60 days of filing.

I. Permit Termination. An accessory dwelling unit permit validly issued pursuant to this chapter section shall terminate when one or more of the following occur:

1. Construction of the accessory dwelling unit allowed by the permit has not begun within one (1) year from the date of permit issuance;

2. Construction of the accessory dwelling unit allowed by the permit has been abandoned or discontinued for one hundred eighty (180) consecutive days; or,

3. The accessory dwelling unit owner files a declaration with the community development department director that the permit has been abandoned or discontinued and the accessory dwelling unit has been removed from the property.

J. Fees.

1. An accessory dwelling unit application must be submitted to the city along with the appropriate fee as established by the City Council by resolution in accordance with applicable law.

2. The city may impose a fee on the applicant for review of an accessory dwelling unit or junior accessory dwelling unit application, for the purpose of defraying all or a portion of the cost of public resources related to the development project review, as provided for in California Government Code sections 66314, et. Seq.

3. The City will not consider an accessory dwelling unit or junior accessory dwelling

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unit to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the dwelling unit was constructed with a new single-family or multi-family dwelling.

4. No development impact fees are required for development of an accessory dwelling unit having seven hundred fifty (750) square feet of living space or less. Any development impact fees charged for an accessory dwelling unit having greater than seven hundred (750) square feet of living space shall be charged proportionate to the square footage of the unit.

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