CITY OF SAN JUAN CAPISTRANO
ADOPTION OF ORDINANCE 1077

Notice is hereby given that on March 17, 2020, the City Council adopted Ordinance 1077 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING THE CITY’S LAND USE CODE TO MAKE THE CITY’S CURRENT REGULATIONS THAT GOVERN ACCESSORY DWELLING UNITS CONSISTENT WITH NEW STATE REGULATIONS; AND A DETERMINATION THAT SAID ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The ordinance amends the City’s Land Use Code to be consistent with new State Law. Below is a summary of the new regulations:

1) ADUs cannot be determined to be in excess of the allowable density of a lot.

2) ADU applicants cannot be required to correct any nonconforming zoning conditions.

3) Definitions for ADUs, Junior ADUs (JADUs) and other terms are provided.

4) The following ADUs qualify for a “building permit only” review:
   a. Integrated ADUs or JADUs (with no size limit):
      i. Within the space of a proposed single-family residence, or
      ii. Within the space of an existing single-family residence, or
      iii. Within a demolished and rebuilt portion of an existing single-family residence or accessory structure, or
      iv. Within the space of a detached or attached accessory structure, plus up to 150 sq. ft. for ingress/egress.
   b. New detached ADUs on single-family lots;
      i. Four-foot side and rear setbacks (no front setback)
      ii. Total habitable area not to exceed 800 sq. ft.
      iii. Maximum building height of 16 feet
   c. Converted ADUs on multi-family lots (non-habitable space)
      i. No more than 25% of existing units in a structure
   d. New detached ADUs on multi-family lots

5) A “zoning compliance” review is required for any ADU that does not qualify for a “building permit only” review.

6) The following state-consistent development standards apply to ADUs that require a “zoning compliance” review:
   a. Size limits (850 sq. ft. for 1-bedroom/1,000 sq. ft. for 2-bedroom);
b. Height limit (16 feet/one story);
c. Setbacks (4-foot side and rear/30-foot front);
d. Lot coverage (35%);
e. No passageway between ADU and street required;
f. Parking options and exceptions;
g. Architectural design standards;
h. Historical protection to the extent possible;
i. Septic system testing.

7) All ADUs and JADUs are subject to the following general requirements:
   a. Limited to residentially zoned lots;
   b. City review and approval must be within 60 days;
   c. Fire sprinklers required only if required for primary residence;
   d. Short-term rental is prohibited;
   e. No separate conveyance;
   f. No owner occupancy requirement between 1-1-20 and 12-31-24, except
      for JADUs;
   g. Deed restriction prohibiting sale of ADU and requiring adherence to code
      requirements.

8) Impact fees and utility fees are identified.

9) ADUs that do not meet code standards require approval of a Zone Variance.

Ordinance No. 1077 was adopted by the following vote:

AYES:   Council Members:    Reeve, Maryott, Farias, Taylor and Mayor Bourne
NOES:   Council Members:     None
ABSENT: Council Members:     None

A certified copy of the complete text of the Ordinance is posted and may be read in the
City Clerk's Department, 32400 Paseo Adelanto, San Juan Capistrano, and/or a copy
may be obtained from that office at a nominal charge.

Dated: March 18, 2020

/s/ Maria Morris, City Clerk
Publish: Capistrano Valley News, March 26, 2020