



Staff Report

City of Pomona Planning Commission

December 16, 2025

FILE NO: CODE-000690-2025

A request for a Code Amendment for the purpose of regulating Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law.

ADDRESS: Citywide

APPLICANT: City of Pomona

PROJECT PLANNER: Vinny Tam, AICP, Supervising Planner

ENVIRONMENTAL REVIEW: 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 Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements state ADU law.

RECOMMENDATION: Approve File No(s). CODE-000690-2025 and adopt Resolution No. 25-020.

Project Background:

ADU PERMIT HISTORY

Below is a summary of permit activity for requests to construct new ADUs. The total number of ADU applications received to date is 1,094.

2017:	3
2018:	80
2019:	107
2020:	106
2021:	160
2022:	179
2023:	142
2024:	173
2025:	144 (as of November 11, 2025)

HISTORY OF STATE LAW REGULATING ADUS

The State legislature first adopted regulations for second units in 1982. The State legislature adopted subsequent amendments to the original law in 1986, 1990, and 1994. Under these earlier regulations, municipalities could require a conditional use permit for second units. In 2003, the State legislature approved Assembly Bill (AB) 1866, which prohibited municipalities from requiring a conditional use permit for second units. In response to AB 1866, the City adopted an ordinance in 2003 to regulate second units in accordance with State law, including allowing ministerial approval of second units.

In September 2016, California State Senate Bill (SB) 1069, AB 2299 and AB 2406 were signed into law. The combined bills took effect on January 1, 2017, making significant modifications to California Government Code sections that collectively govern ADUs and JADUs, as well as permanently changing the name of second units to ADUs.

Since the passage of SB 1069, AB 2299, and AB 2406, the State has continued to adopt new legislation modifying ADU law on an annual basis. The passage of the most recent legislation, AB 462, AB 1154, SB 9, and SB 543 (Attachments 2, 3, 4, and 5), is the latest set of changes to ADU law that the City must implement.

RECENTLY PASSED STATE LAW

AB 462 – Coastal Development Permits; Disaster-Affected Areas

AB 462 modifies several permitting requirements associated with processing Coastal Development Permits for ADUs located in the Coastal Zone.

Beyond changes to CDP processing, AB 462 modifies the rules governing the issuance of a certificate of occupancy (CofO) for an ADU. Historically, state law has prohibited a local agency from issuing a CofO for an ADU before one is issued for the primary dwelling (i.e., the primary dwelling must have a CofO before the ADU can receive one).

AB 462 creates a narrow exception to this prohibition for detached ADUs when all of the following conditions are satisfied: (1) the Governor has declared a state of emergency for the county on or after February 1, 2025; (2) the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation; and (3) the ADU has been issued construction permits and passed all required inspections. (Gov. Code, § 66328(b).) If these conditions are satisfied, the detached ADU can receive a CofO before the primary dwelling. In all other scenarios, the primary dwelling still needs a CofO before one can be issued for an ADU.

AB 1154 – JADU Owner-Occupancy; Short-Term Rental

When a JADU is developed, existing state law requires a property owner to reside in the JADU or remaining portion of the single-family dwelling. AB 1154 narrows this requirement to now only apply when a JADU shares sanitation facilities (bathroom) with the single-family dwelling. If the JADU has its own bathroom, then the property owner does not have to reside on the property at all. (See amended Gov. Code, § 66333(b).)

AB 1154 also expressly prohibits JADUs from being used as short-term rentals (i.e., rented for a term shorter than 30 days). (See amended Gov. Code, § 66333(g).) Most ADU ordinances already included this prohibition (as well as prohibiting ADUs from being used as short-term rentals). But now it's required by state law.

SB 9; SB 543 – ADU Ordinance Submittal to HCD; Approval

Under existing law, local agencies are required to submit a copy of their ADU ordinance to the California Department of Housing and Community Development (HCD) within 60 days of adoption.

This year's SB 9 and SB 543 create a penalty for failing to do so by rendering null and void any local ordinance that is not submitted to HCD within 60 days of adoption. (See amended Gov. Code, § 66326(d); new Gov. Code, § 66333.5(d).) The bills further specify that a local ADU ordinance is null and void if HCD issues findings that the ordinance does not comply with state law and the local agency fails to respond to HCD within 30 days. (Id.)

SB 543 – ADU Size; Number of ADUs; Impact Fees; Application Timeline

SB 543 makes numerous changes and clarifications to state ADU law, the most notable of which are summarized below.

ADU & JADU Size

Existing law limits the maximum size of a JADU to 500 square feet and prohibits local ADU ordinances from imposing certain development standards that would prevent an ADU created under Government Code section 66314 through 66322 from being at least 800 square feet.

SB 543 amends state ADU law to specify that allowable square footage of an ADU or JADU refers to square footage of "interior livable space." (See amended Gov. Code, § 66313(d), 66321(b)(2).)

Impact Fees

Existing law exempts ADUs that are 750 square feet or smaller from development impacts fees (DIFs).

SB 543 clarifies that DIFs may not be imposed on an ADU that has 750 or fewer square feet of interior livable space or on a JADU with 500 or fewer square feet of interior livable space.

The bill also exempts an ADU or JADU with fewer than 500 square feet of interior livable space from school impact fees. (See amended Gov. Code, § 66311.5.)

Quantity of ADUs Created Under Government Code Section 66323

Existing state law creates four categories of ADUs that must be approved if they comply with the limited standards provided in Government Code section 66323(a)(1) to (4). These are:

1. A converted ADU and JADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(1));
2. A detached ADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(2));
3. Converted ADUs created in an existing multifamily dwelling (Gov. Code, § 66323(a)(3)); and
4. Detached ADUs created on a lot with a proposed or existing multifamily dwelling.

For some time, there has been uncertainty as to whether ADUs created under Government Code section 66323 could be combined. Some practitioners interpreted the statute to not require local agencies to allow combinations. Initially, HCD took the same position, in its 2020 ADU Handbook. But for the last few years, HCD has taken the opposite position: that yes, combinations are permitted. (See HCD January 2025 ADU Handbook, at p. 19

[“P]ursuant to Government Code section 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together”].)

SB 543 codifies HCD’s most recent interpretation by amending Government Code section 66323 to specifically allow combinations. Thus, a lot with a multifamily dwelling can now have a converted ADU or ADUs created under section 66323(a)(3) and detached ADUs created under section 66323(a)(4). And a lot with a single family dwelling can now have a converted ADU and a JADU created under section 66323(a)(1) and a detached ADU created under section 66323(a)(2).

ADU Permitting Process

Existing law has long required local agencies to approve or deny an ADU application within 60 days of receiving a complete application. However, state law was silent with respect to incompleteness determinations, subsequent resubmittals, and appealing local decisions on ADU applications.

SB 543 requires local agencies to now:

1. Determine whether an ADU application is complete within 15 business days of submittal;
2. If the application is incomplete, within the same 15 days provide the applicant with a list of incomplete items and how to address them;
3. Review a resubmitted application for completeness within 15 business days;
4. Provide the applicant with a written appeal process for any incompleteness determination or denial (to the Planning Commission or City Council, or both); and
5. Provide a final written determination on the appeal within 60 business days of receiving the appeal). (See amended Gov. Code, §§ 66317 [ADUs], 66335 [JADUs].)

Community Input and Noticing:

Public noticing was completed in accordance with State law. A hearing for public notice was published on Friday, December 4, 2025 (Attachment 6).

Required Findings:

The findings required in Section 1150.D.4 of the Pomona Zoning and Development Code for a Zoning and Development Code Amendment are contained in the attached resolution (Attachment 1).

Conclusion:

AB 462 took effect immediately when signed, but technically it doesn’t require any change to a local ADU ordinance; the City just needs to follow the new rules for CDP processing and issuance of a CofO, if applicable. But the remaining bills take effect January 1, 2026, and for the City’s ADU ordinance to remain valid and enforceable, it must comply with the new changes in state law. Adopting the proposed ordinance ensures that the City’s ADU ordinance will remain in compliance with state law. For these reasons, staff recommends that the Planning Commission adopt the attached resolution, recommending that the City Council adopt the proposed ordinance.

Environmental Review:

Staff has determined that the California Environmental Quality Act (CEQA) does not apply. 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 Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements state ADU law.

Attachments:

1. Planning Commission Hearing Resolution No. 25-020 & Exhibit A
2. Assembly Bill 462
3. Assembly Bill 1154
4. Senate Bill 9
5. Senate Bill 543
6. Public Noticing