

ORDINANCE NO. 26-1544

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING ARTICLE IX (LAND USE) OF THE DOWNEY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (PLN-26-00036)

WHEREAS, the City of Downey, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California law allows cities to provide by ordinance for the creation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, Since the adoption of the most recent Ordinance amending the City's above regulations governing ADUs and JADUs, the California Legislature approved, and the Governor signed into law, a number of bills that further amended state law to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the City desires to update its ADU and JADU regulations to conform to current state law, namely Assembly Bill 1154 and Senate Bill 543, both of which taking effect as of January 1, 2026; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 6, 2026, where after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing, it voted to recommend approval by the City Council of this Ordinance amending the City's above regulations governing ADUs and JADUs; and

WHEREAS, on May 14, 2026, a notice of public hearing by the City Council to consider this Ordinance was sent to all property owners and tenants affected, and the notice was published in the Downey Patriot as a 1/8th page ad in accordance with the requirements of the Downey Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on May 26, 2026, to consider this Ordinance, where all interested persons were given an opportunity to be heard.

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

SECTION 1. The recitals above are each incorporated by reference and adopted findings by the City Council.

SECTION 2. The City Council has determined that this Ordinance is statutorily exempt from review under the California Environmental Quality Act ("CEQA") under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), because the Ordinance implements the provisions of California Government Code Sections 66314 through 66339.5.

SECTION 3. The City Council further finds and determines that:

- A. The requested amendment is necessary and desirable for the development of the community and is in the interest or furtherance of the public health, safety, and general welfare because the proposed Zoning Text Amendment, related to Accessory Dwelling Units, implements development standards for ADUs that are designed to facilitate construction that furthers the public health, safety and general welfare. Furthermore, the proposed amendments would bring the City's zoning code into compliance with current state law consistent with General Plan Housing

Element Program 1.4 which requires the adoption of an ADU ordinance that reflects current state law, and that also streamlines, facilitates and encourages ADU development.

- B. The proposed amendment is in general conformance with the General Plan. The ordinance is consistent with the General Plan Housing Element Program 1.4: Accessory Dwelling Units, which is to adopt an Accessory Dwelling Unit ordinance that reflects current state law. Furthermore, Government Code Section 66319 provides that an ADU that conforms to state ADU law shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the respective lot. This ordinance implements state ADU law and so by extension is consistent with the general plan as a matter of law.

SECTION 4. The following definition is hereby added to Section 9144 of Article IX of the Downey Municipal Code, and shall read as follows:

Livable Space: The space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

SECTION 5. Section 9414.04 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in strikeout*):

§ 9414.04 DEFINITIONS

Terms used in this section are defined as follows:

Accessory Structure: A structure that is accessory and incidental to a dwelling located on the same lot.

Efficiency Kitchen: A kitchen that includes all of the following:

- i. A cooking facility with appliances.
- ii. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

Efficiency Unit: Same meaning as defined in Section 17958.1 of the Health and Safety Code.

Livable Space: The space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Living Area: The interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

Multi-Family Dwelling: A residential structure containing two (2) or more attached dwelling units, located on a single lot.

Nonconforming Zoning Condition: A physical improvement on a property that does not conform with current zoning standards.

Objective Standards: Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform

benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Passageway: A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of the ADU.

Proposed Dwelling: A dwelling that is the subject of a permit application and that meets the requirements for permitting.

SECTION 6. Section 9414.08 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in ~~strikeout~~*):

§ 9414.08 GENERAL STANDARDS FOR ACCESSORY DWELLING UNITS IN LOTS DEVELOPED WITH A SINGLE-FAMILY DWELLING.

Unless otherwise provided by state law or this Code, ADUs and JADUs shall be allowed based on the type and number of units developed on a lot. For the purposes of ADUs, a lot developed with one single-family dwelling or multiple detached single-family dwellings on one lot, shall be deemed a single-family dwelling lot.

(a) Number of Units.

- (1) A maximum of two ADUs can be permitted on a single-family lot. ADUs may be a combination of: (A) one (1) attached or detached, new-construction ADU, and (B) ADU resulting from the conversion of an existing habitable area or space not used as livable area.
- (2) Not more than one (1) JADU may be permitted on a single-family lot. The JADU must be converted from existing space of a single-family dwelling, subject to subsections (i) through (v) below. Single-family lots having more than one primary dwelling can only be permitted one JADU per single-family lot.
 - (i) The size of a JADU is limited to maximum of 500 square feet of interior livable space.
 - (ii) An enclosed use within the residence, such as an attached garage, is considered to be existing space, a part of and contained within the single-family dwelling.
 - (iii) A JADU shall have an independent exterior entrance separate from the main primary dwelling.
 - (iv) If the JADU does not include its own separate sanitation facilities, it shall share sanitation facilities with the primary dwelling through an interior door directly to a shared sanitation facilities in addition to an exterior entrance that is separate from the main entrance of the primary dwelling.
 - (v) A proposed single-family dwelling shall be constructed, inspected and has received and passed a final inspection for occupancy by the Building and Safety Division prior to a JADU being proposed as part of the dwelling.

- (vi) A JADU shall include an efficiency kitchen, as defined in Section 9414.04.
- (vii) A JADU requires owner-occupancy within one (1) of the units on the property if and when the JADU shares sanitation facilities with the primary dwelling. A deed restriction in compliance with Section 9414.14(f) shall be required to be recorded in the Los Angeles County Recorder's Office by the property owner prior to building permit final inspection.
- (viii) For the purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

(b) **Square Footage.**

- (1) The maximum floor area of a detached or attached ADU for a studio or one-bedroom unit is 850 square feet and 1,000 square feet for a unit with two or more bedrooms.
- (2) An attached ADU constructed on a lot with an existing primary dwelling is further limited to 800 square feet or 50 percent of the floor area of the existing primary dwelling, whichever is more but shall not exceed 1,000 square feet.
- (3) Newly constructed ADUs or additions to existing permitted ADUs are exempt from meeting floor area ratio (FAR), lot coverage, design standards, and open space requirements when the total floor area of the ADU is 800 square feet or less, including an addition to an ADU.
- (4) An ADU of 800 square feet shall be permitted without the applicability of development standards of the underlying zone, such as FAR, lot coverage, front setbacks, design standards, and open-space requirements.
- (5) Proposed patio covers or similar covered structures shall not be counted towards the allowable living space ~~square footage~~ for an ADU of any size, but shall be counted towards the total lot coverage of the property.
 - (i) Covered front porch entries shall be allowed a maximum area of 50 square feet and shall not be counted towards the allowable ADU living space ~~square footage~~, but shall be counted towards the total lot coverage of the property.
 - (ii) Balconies or decks located on the second floor of an ADU shall not be permitted.
- (6) ADUs converted from permitted, attached or detached existing spaces are exempt from maximum ADU sizes. The ADU conversion may include an expansion of no more than 150 square feet beyond the same physical dimensions of the existing structure limited to accommodate ingress and egress.

(c) **Setbacks.**

- (1) **Side and Rear Setbacks.** Any new attached or detached ADU or an addition to converted spaces for the purpose of an ADU shall have a minimum setback of four (4) feet to the rear and side yard property lines, including ADUs built above an existing or proposed structure.
- (2) **Front Setbacks.** Any new ADU or JADU cannot be located within the front setback area regulated by the underlying zone. Notwithstanding the foregoing, the following exemptions shall apply:
 - (i) An ADU that complies with all other applicable development standards may be built within the front yard setback if it is otherwise deemed to be physically infeasible to construct an 800 square foot ADU on other areas of the lot outside of the front setback after review by the City. The applicant shall submit architectural plans and shall provide exhibits demonstrating that the construction of an 800 square foot ADU outside of the front setback is physically infeasible. If deemed physically infeasible, an ADU of 800 square feet that complies with all other applicable development standards shall be allowed to encroach into the front yard setback on the lot, but in no case encroach into the driveway for on-site parking or garage access.
 - (A) Infeasible shall mean that the area of the lot, minus the existing structures, front setback, side setback, rear setback, easements, pool, and required driveway, does not provide sufficient space to accommodate a continuous 800 square foot area.

A letter or formal review from an applicable utility provider shall be submitted when utility standards further restrict the property's ability to accommodate a continuous 800 square foot area.
 - (B) Inspections shall be conducted by City staff or designee, to verify the condition of the property and consistency with application submittal.
- (3) All conversions of permitted structures or a new structure constructed in the same location and to the same dimensions as an existing structure may be built at the existing setback, providing building code requirements are satisfied.
- (4) Any unpermitted accessory structures may have their legal nonconforming setbacks maintained as part of an ADU conversion or addition, as long as it does not present a threat to public health and safety based on applicable building and fire codes as determined by the Building Official, or unlawfully violate previously recorded real property interests including but not limited to recorded easements and fee dedications.
- (5) All exterior staircases or landings for an existing or new second-story ADU shall comply with the minimum four (4) foot setback along the rear and side

yard property lines. In no event shall an exterior staircase be located in a front setback or majority of a staircase face a front yard area.

(d) **Height.**

- (1) A detached ADU created on a lot with an existing or proposed single-family dwelling shall not exceed sixteen (16) feet in height.
- (2) A detached ADU may be permitted to increase up to eighteen (18) feet in height when it is constructed on a lot with an existing or proposed single-family dwelling unit located within one-half mile walking distance of a major transit stop or a high-quality transit corridor as defined in Section 9120 of Article IX, and in compliance with Section 21155 of the California State Public Resources Code. The ADU may be permitted to increase an additional two (2) feet in height (maximum height of twenty (20) feet total) to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- (3) An ADU that is attached to the primary dwelling shall not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, no ADU subject to this section 9414.08 shall not exceed two-stories.
- (4) All attic spaces and loft areas within an ADU that exceed five (5) feet in height, as measured from attic ceiling to rafter/floor joist, shall be considered livable area and shall be counted towards the total allowable floor area ratio.

SECTION 7. Section 9414.10 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in strikeout*):

§ 9414.10 GENERAL STANDARDS FOR ACCESSORY DWELLING UNITS IN LOTS DEVELOPED WITH A MULTI-FAMILY DWELLING.

Unless otherwise provided by state law or this Code, ADUs shall be allowed based on the type and number of units developed on a lot. For the purposes of ADUs, a lot developed with a structure that has two (2) or more units on one lot shall be deemed a multi-family dwelling lot.

(a) **Number of Units.**

- (1) On a lot with an existing multifamily dwelling, not more than eight (8) ADUs may be permitted as either attached or detached from each other, but shall be detached from the existing primary multi-family dwelling structure(s). However, the number of ADUs shall not exceed the number of existing units on the lot.
 - (i) Detached structures may be converted into ADUs and shall be counted towards total allowed under Section 9414.~~1008~~(a)(1).
- (2) On a lot with a proposed multifamily dwelling, not more than two detached ADUs may be permitted, as either attached or detached from each other, but shall be detached from the proposed primary multi-family dwelling structure(s).

- (3) Up to 25% of the existing number of units developed as part of the multi-family dwelling within the multi-family structure, but at least one (1) ADU, can be converted from existing attached or detached areas that are not used as livable areas. These areas shall include, but are not limited to, storage rooms, boiler rooms, passageways, attics, basements, common areas, garages, or detached accessory structures. ADUs shall comply with building code standards for dwellings.

(b) **Square Footage.**

- (1) The maximum floor area of a detached or attached ADU for a studio or one-bedroom unit is 850 square feet and 1,000 square feet for an ADU with two or more bedrooms.
- (2) All new detached ADUs and additions to existing and permitted ADUs of up to 800 square feet are exempt from meeting floor area ratio (FAR), lot coverage, design standards, and open space requirements as provided in the underlying zone.
- (3) Applicability of percent-based development standards in Section 9414.10(b), such as FAR, lot coverage, front setback, design standards, or open-space requirements shall not prevent an ADU to be less than 800 square feet.
- (4) Proposed patio covers or similar covered structures shall not be counted towards the allowable living space square footage for an ADU of any size, but shall be counted towards the total lot coverage of the property.
 - (i) Covered front porch entries shall be allowed a maximum area of 50 square feet, and shall not be counted towards the allowable ADU living space square footage, but shall be counted towards the total lot coverage of the property.
 - (ii) Balconies or decks located on the second floor of an ADU shall not be permitted.
- (5) ADUs converted from permitted, attached or detached existing spaces are exempt from maximum ADU sizes. The structures may not be expanded.

(c) **Setbacks.**

- (1) **Side and Rear Setbacks.** Any newly constructed ADUs shall have a minimum setback of four (4) feet to the rear and side yard property line, including ADUs built above an existing structure.
- (2) **Front Setback.** Any new ADU cannot be located within the front setback area regulated by the underlying zone. Notwithstanding the foregoing, the following exemptions shall apply:
 - (i) An ADU that complies with all other applicable development standards may be built within the front yard setback if it is otherwise deemed to be physically infeasible to construct an 800 square foot ADU on other areas of the lot outside of the front setback after review by the City. The applicant shall submit architectural plans

and shall provide exhibits demonstrating that the construction of an 800 square foot ADU outside of the front setback is physically infeasible. If deemed physically infeasible, an ADU of 800 square feet that complies with all other applicable development standards shall be allowed to encroach into the front yard setback on the lot, but in no case encroach into the driveway for on-site parking or garage access.

- (A) Infeasible shall mean that the area of the lot, minus the existing structures, front setback, side setback, rear setback, easements, pool, and required driveway, does not provide sufficient space to accommodate a continuous 800 square foot area.

A letter or formal review from an applicable utility provider shall be submitted when utility standards further restrict the property's ability to accommodate a continuous 800 square foot area.

- (B) Inspections shall be conducted by City staff or designee to verify the condition of the property and consistency with application submittal.

- (3) All conversions of permitted structures or a new structure constructed in the same location and to the same dimensions as an existing structure may be built at the existing setback, provided building code requirements are satisfied.

(d) **Height.**

- (1) A detached ADU created on a lot with an existing or proposed multi-family dwelling shall not exceed sixteen (16) feet in height.
- (2) A detached ADU constructed on a lot with an existing or proposed multi-family dwelling that has more than one story above grade shall not exceed eighteen (18) feet in height.
- (3) A detached ADU may be permitted up to eighteen (18) feet in height if it is constructed on a lot with an existing or proposed multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor as defined in Section 9120 of Article IX, and in compliance with Section 21155 of the California State Public Resources Code. The ADU may be permitted to increase an additional two (2) feet in height (maximum height of twenty (20) feet total) to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- (4) All attic spaces and loft areas within an ADU that exceed five (5) feet in height, as measured from attic ceiling to rafter/floor joist, shall be considered livable area and shall be counted towards the total allowable floor area ratio.

SECTION 8. Section 9414.12 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in strikeout*):

§ 9414.12 DESIGN STANDARDS.

The following design standards shall be applicable to all ADUs and JADUs to preserve an existing property's architectural features on a single-family or multi-family dwelling lot.

- (a) The unit shall have an independent exterior entrance, separate from that of the primary dwelling as required by state and local law.
- (b) Primary entrances shall have a covered front entrance ~~that is consistent or architecturally compatible with the primary dwelling.~~ Such covered front entrances shall have a roof form and slope that matches both the ADU and primary dwelling.
- (c) A front entrance shall be oriented toward the street for all new construction and conversions of existing space with the exception to the following:
 - (1) ADUs and JADUs located at the rear of the property and attached to a primary dwelling in a manner that makes it physically infeasible to place a front entrance oriented towards the street.
 - (2) ADUs and JADUs located on the second floor of an existing primary dwelling.
 - (3) ADUs and JADUs not visible from the public right of way.
- (d) In no event shall any dwelling unit have its front entrance oriented toward the rear of the property or face a public alley.
- (e) The architectural design features of an ADU ~~shall match the materials and colors of the exterior walls, roof, windows, and doors of those of the primary dwelling.~~ including but not limited to finish materials, colors, roof forms, windows, and doors shall match those of the primary dwelling.
- (f) The roof slope shall 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, with the exception of the following:
 - (1) ADUs and JADUs converted from existing spaces that have not been demolished and replaced in the same location.
- (g) The entrance of a second-story ADU shall be oriented away from the rear property line. ~~All windows and exterior glass doors in a second-story ADU shall be obscured or frosted glass.~~
- (h) All windows and exterior glass doors in a second-story ADU shall be obscured or frosted glass.
- ~~(h)~~(i) All ADUs larger than 500 square feet shall be fitted with washer and dryer connections.
- ~~(i)~~(j) No more than one kitchen shall be permitted within a single-family dwelling, an ADU, or a JADU.
- ~~(j)~~(k) Front entries of ADUs shall be fitted with downward porch lighting. All lighting shall be limited to down lighting or as otherwise required by the Building or Fire Code.

(l) All staircases for the purpose of ADUs shall be within an enclosed interior space.

~~(k)(m)~~ ADUs and JADUs created pursuant to Government Code Section 66323 are not subject to lot coverage, front setbacks, and design standards but must comply with building code and health and safety requirements for dwellings.

SECTION 9. Section 9414.14 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in ~~strikeout~~*):

§ 9414.14 SUPPLEMENTAL STANDARDS.

The following supplemental standards shall be applicable to all ADUs and JADUs developed on a single-family or multi-family dwelling lots.

(a) Parking

- (1) One (1) uncovered off-street parking space is required for each ADU. The parking space may be provided on the existing legal driveway in setback areas or as tandem parking. Exemptions from this requirement shall apply when:
 - (i) The ADU is located within one-half mile walking distance of public transit, as defined Section 9152.
 - (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.
 - (iv) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (v) When there is a 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 multi-family dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in Section 9414.14(a)(1).
- (2) JADUs shall not require additional parking when converted from an existing attached garage.
- (3) Proposed primary dwellings shall not be exempt from parking requirements, and shall be provided pursuant to Section 9708.

(b) Fire Sprinklers

- (1) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (2) The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

- (3) For the purposes of fire or life safety regulations, a JADU shall not be considered a separate or new dwelling unit.
- (c) **Rental Term.** No ADU may be rented for a term that is shorter than thirty (30) days. This prohibition applies regardless of when the ADU was constructed.
- (d) **No Separate Conveyance.** Except as required by Government Code Section 66341, ADUs may not be sold or separately conveyed.
- (e) **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner shall include with the application a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years.
- (f) **Deed Restriction.** Prior to final inspection of a building permit for an JADU that shares a sanitation facility with the primary dwelling, a deed restriction shall be recorded against the title of the property in the Los Angeles County Recorder's office and a copy filed with the Community Development Department. The form of the deed restriction will be provided by the City and must provide that:
 - (1) Except as otherwise provided in Government Code Section 66341, JADU may not be sold separately from the primary dwelling.
 - (2) A JADU requires owner-occupancy within one (1) of the units on the property of a natural person with legal or equitable title to the property as the person's legal domicile and permanent residence. Owner-Occupancy shall not be required if the owner is another government agency, land trust, or housing organization, or if the JADU does not share a sanitation facility with or has interior access to the primary dwelling.
 - (3) The JADU is restricted to a maximum of 500 square feet and all attributes and restrictions of the JADU must comply at all times with the City's accessory dwelling unit ordinance.
 - (4) The deed restriction, if applicable, runs with the land and may be enforced against future property owners.
 - (5) The deed restriction may be removed if the owner eliminates the JADU interior access to the primary dwelling from the JADU, as evidenced by, for example, removal of the kitchen facilities shared sanitation facilities. To remove the deed restriction, an owner may make a written request of the Community Development Director, providing evidence that the JADU interior access to the primary dwelling has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated no longer has interior access to the primary dwelling. If denied, an appeal may be requested if consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements shall otherwise comply with applicable provisions of this Code.
 - (6) The deed restriction is enforceable by the Community Development Director or their 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 JADU in violation of the recorded restrictions or abatement of the illegal unit.

(g) **Building & Safety**

- (1) **Compliance with Building Code.** Subject to subsection (2) below, all ADUs and JADUs shall comply with all local building code requirements.
- (2) **No Change of Occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (2) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
- (3) **Address Request.** All ADUs and JADUs shall require a separate address. The Building & Safety Division will assign an address for the ADU through an Address Assignment Application. All addresses shall comply with the California Fire Code's minimum standards and be placed on the primary dwelling, visible from the street, and the ADU structure.

SECTION 10. Section 9414.18 of Article IX of the Downey Municipal Code is hereby amended to read as follows (*new language underlined, deleted language in strikeout*):

§ 9414.18 FEES.

(a) **Impact Fees**

- (1) No impact fee is required for an ADU that ~~is less than~~ has 750 square feet ~~in size of interior livable space or less, or JADU that has 500 square feet of interior livable space or less.~~ For purposes of this subsection (a), "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 not include any connection fee or capacity charge for water or sewer service.
- (2) Any impact fee that is required for an ADU that is has more than 750 square feet ~~or larger in size of interior livable space~~ must be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

(b) **Utility Fees**

- (1) If an ADU is constructed with a new single-family home, separate utility connections between the ADU and the utility, and payment of the normal connection fee and capacity charge for a new dwelling are required.
- (2) Converted ADUs and JADUs or ADUs allowed under Government Code Section 66323, are not required to have a new or separate utility connection

directly between the ADU or JADU and the utility nor is a connection fee or capacity charge required.

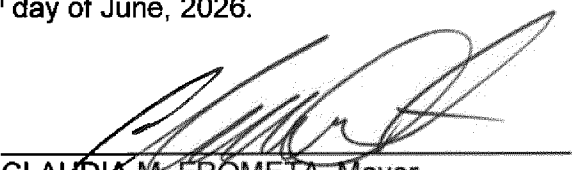
- (3) All new detached ADUs require a separate utility connection directly between the ADU and the utility. Should the City be the utility provider a separate utility connection may not be required.
- (4) The utility connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the 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.

The portion of the fee or charge by the City may not exceed the reasonable cost of providing this service.

SECTION 11. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 12. The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this 9th day of June, 2026.


CLAUDIA M. FROMETA, Mayor

ATTEST:


MARIA ALICIA DUARTE, CMC
City Clerk

APPROVED AS TO FORM:


JOHN M. FUNK
City Attorney

I HEREBY CERTIFY that the foregoing Ordinance No. 26-1544, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 26th day of May, 2026, and adopted at a Regular meeting of the City Council of the City of Downey held on the 9th day of June, 2026, by the following vote, to wit:

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AYES:	Council Members:	Pemberton, Sosa, Ortiz, Mayor Frometa
NOES:	Council Members:	None.
ABSENT:	Council Members:	Trujillo.
ABSTAIN:	Council Members:	None.

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 26-1544, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on May 14, 2026, (before introduction), and on June 11, 2026, (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.


MARIA ALICIA DUARTE, CMC
City Clerk