



Agenda Item: 11.A
Date of Meeting: January 12, 2026
Department: Planning

STAFF REPORT

To: City Council
From: Ana Budnyk
Subject: **Public Hearing and First Reading and Introduction of an Ordinance Repealing and Replacing Chapter 17.75 (Accessory Dwelling Units and Junior Accessory Dwelling Units)**
Prepared On: January 8, 2026
Attachments: Attachment A_CHAPTER_17.75._ADU and JADU
Attachment B
Resolution_PC_2025-04
NOTICE OF PUBLIC HEARING

Background/History:

State law governing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) has undergone substantial revisions between 2020 and 2025. As a result, the City's existing ADU ordinance is no longer compliant with current State requirements.

The attached ordinance repeals and replaces Chapter 17.75 in its entirety to ensure full consistency with State law.

The Planning Commission held a public hearing on November 25, 2025, and adopted a Resolution recommending approval of the proposed ordinance, including the new parking hardship exception language.

Analysis/Discussion:

The following changes align the proposed ordinance with the California Department of Housing and Community Development (HCD) Accessory Dwelling Unit Handbook (January 2025).

Reference:

<https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>

1. Prohibition on Separate Sale of ADUs

ADUs cannot be sold separately from the primary dwelling except where allowed under Gov. Code § 66341 (nonprofit-built units with affordability and TIC requirements).

Handbook Reference: p.49 – AB 345 separate conveyance rules.

2. Ministerial Approval Timelines

ADU and JADU applications must be approved or denied within 60 days of receiving a complete application.

Handbook Reference: p.14–15.

If the City fails to act in 60 days, the application is deemed approved.

Handbook Reference: p.35.

3. Completeness Determination (15 Days)

The City must determine whether an application is complete within 15 business days.

Handbook Reference: p.14.

4. Owner-Occupancy Requirement Removed

Owner-occupancy requirements for ADUs remain prohibited under State law.

Handbook Reference: p.46–47.

5. Development Impact Fees (The City never had DIFs for ADUs)

- ADUs ≤ 750 sq ft: No impact fees.
- ADUs ≥ 750 sq ft: Fees must be proportional to the primary dwelling.

Handbook Reference: p.50–51.

6. Utility Connection Rules (The City never had connection fees for ADUs)

ADUs are not treated as new residential uses for utility connection fees or capacity charges, except when built with a new primary home.

Handbook Reference: p.22.

7. Size Allowances and Expansions

Converting existing accessory structures:

- Structures up to 1,050 sq ft may be expanded to 1,200 sq ft.
- Conversions may add up to 150 sq ft for ingress/egress.

Handbook Reference: p.18.

8. Number of ADUs Allowed per Lot

State law now requires cities to allow up to three units on a single-family lot (one detached ADU, one conversion ADU, and one JADU).

Handbook Reference: p.18.

9. Height Requirements

- Base height: 16 feet
- Up to 18 feet near major transit or on multifamily sites
- Additional 2 feet for roof pitch compatibility

Handbook Reference: p.14.

10. Nonconforming Conditions

An ADU or JADU application cannot be denied due to existing zoning nonconformities or code violations that do not pose a health or safety risk.

Handbook Reference: p.33.

11. Unpermitted ADUs (Pre-2020)

Cities must approve permits for unpermitted ADUs built before 2020 unless the unit poses a

health and safety threat.

Inspection rules, safety corrections, and the mandatory notice to correct violations follow Gov. Code § 66331 and Health & Safety Code § 17980.12.

Handbook Reference: p.42.

12. JADU Requirements

Separate Entrance

A JADU without its own bathroom must have a separate exterior entrance and an interior link to the main living area.

Handbook Reference: Gov. Code § 66333(e)(2).

Sanitation Options

A JADU may include separate or shared sanitation facilities.

Handbook Reference: p.28.

Mandatory Deed Restriction

The ordinance must require a deed restriction that:

1. Prohibits the separate sale of the JADU, and
2. Limits JADU size and features to State law.

Handbook Reference: p.22.

13. Multifamily ADUs

- Authorizes conversion of non-habitable spaces into ADUs
- Allows up to two detached ADUs on a lot with a proposed multifamily development
- Allows **up to eight detached ADUs on a lot with an existing multifamily development**, not to exceed the number of existing units on the lot

PARKING (CITY OF BISHOP LAW, NOT REQUIRED BY STATE LAW)

The current Bishop Municipal Code provides that no off-street parking is required for studio ADUs (without a separate bedroom). The basis for this exemption is unclear, particularly given that one- and two-bedroom ADUs are otherwise required to provide parking in a community that relies heavily on private vehicles.

City staff presented a Studio ADU Parking Analysis to the City Council on September 8, 2025. The City Council directed staff to return with alternative exemption language for consideration. Staff now proposes **replacing the studio-only parking exemption with a parking hardship exception applicable to all ADUs**, as illustrated in Attachment B.

Budget Impacts:

N/a

Legal Review:

Attorney Russell A. Hilderbrand has reviewed the item.

Recommended Action:

Staff recommends that the City Council:

1. Conduct a public hearing and receive public comment; and
2. Approve a First Reading and Introduction of the Ordinance by title only, and choose one of the two parking alternatives for Section 17.75.060(E):

Alternative 1 – Alternative 1 (Status Quo):

No parking is required only for studio ADUs.

Alternative 2 – Adopt Proposed Hardship Exception Language – Recommended by the Planning Commission

“Parking hardship exception may be granted for ADUs when the provision of an off-street parking space would eliminate an existing on-street parking space, require the removal of a tree with a diameter at breast height (DBH) of six (6) inches or greater, or when the addition of an off-street parking space would result in a driveway width exceeding 24 feet.”

Approved By: Robin Picken 1/8/2026

Approved By: Pam Foster 1/8/2026

Approved By:

Approved By: