



City of San Juan Capistrano
Development Services
Building Division

Website: www.sanjuancapistrano.org/building
Email: building@sanjuancapistrano.org

**AB 2533 LEGALIZING UNPERMITTED
ADU/JADU**

Informational
Bulletin

400

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In compliance with AB 2533, the following process has been established for a homeowner to apply for a permit to legalize an unpermitted Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) constructed before January 1, 2020. This process will include submitting construction plans to the City for review and approval prior to issuing a building permit. **AB-2533 IS NOT A BY-PASS FOR THE PLAN CHECK AND INSPECTION PROCESS BY THE LOCAL JURISDICTIONAL AGENCIES.**

In order to issue a building permit, the ADU or JADU shall be determined to be in compliance with the minimum conditions specified in the San Juan Capistrano Substandard Housing Checklist complying with Section 17920.3 of the Health and Safety Code which defines a substandard building.

Prior to submitting for a permit to legalize an existing unpermitted ADU/JADU, the homeowner may obtain a confidential third-party code inspection of the ADU or JADU from a **California licensed general contractor** utilizing the City's Substandard Housing Checklist.

Where non-compliance with the Substandard Housing Checklist is found by the third-party inspector or by the City as part of the City's plan check process, the property owner shall obtain a permit to remove the non-compliant construction and/or correct the items identified in the checklist prior to the City granting final approval for said ADU/JADU.

1. Initial Application and plan submission:

Step 1: Homeowner shall submit a permit application and plans to legalize an unpermitted ADU or JADU constructed before January 1, 2020.

Step 2: The City Permit Technician will review the application and plans for completeness, ensuring that required information is provided (e.g., floor plans, ADU construction details, if any, substandard housing checklist, and a detailed description).

Step 3: The City Permit Technician will research and verify that the ADU was constructed before January 1, 2020 by research of code enforcement cases, historic Laserfiche, Google website history, photographic evidence, etc.

Step 4: Upon completion of the permit application and review of all required documents, the permit application will be routed for plan check review. The plan check review

process will be a formal review based on the most current applicable codes, and routed to all applicable department(s). **NOTE: Any deficiencies discovered using the Substandard Housing Checklist shall be incorporated as items that require correction or removal in the details of the plans.**

2. Issuing the Permit:

- If all requirements are met as determined during the plan check review process, the permit will be issued.
- Once the permit is issued, all necessary construction removal or repairs identified on the approved set of plans shall be completed and the work inspected (including rough and finish trades) by the City Building inspector.

3. Fee Waivers and Charges:

- Homeowners applying for a permit for an ADU constructed before January 1, 2020, are not required to pay engineering impact fees or connection charges unless utility infrastructure improvements are necessary to meet health and safety standards as outlined in the Health and Safety Code.
- Applicants are required to pay plan check, permit and inspection fees related to the work provided by city staff.

4. Finalizing the Permit:

- Upon inspection(s) where the City Building Inspector has determined that all construction is complete and all deficiencies noted during the Substandard Housing Checklist have been corrected or removed, the inspector will approve final for the use and occupancy of the ADU/JADU.