

ORDINANCE NO. 980

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL AMENDING SECTION 18.05.010 OF THE PLEASANT HILL MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER CALIFORNIA PUBLIC RESOURCES CODE SECTION 21080.17

WHEREAS, the City of Pleasant Hill, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law; and

WHEREAS, new updates to the law take effect January 1, 2026, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the most recent changes to state law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to state law; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of bills updating state ADU law because if the City’s ordinance does not comply with this legislation by January 1, 2026 — and the City’s ADU ordinance becomes null and void in its entirety — the City would be required to approve ADUs and JADUs in accordance with the few default standards that are imposed by Chapter 13 of Division 1 of Title 7 of the California Government Code, which is the state ADU law; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this Ordinance as an urgency ordinance, to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b).

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

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

Section 2. 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 Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law. Therefore, adoption of the urgency Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Section 3. The City Council hereby finds that the adoption of the urgency Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

Section 4. Section 18.05.010 of the Pleasant Hill Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference (deletions shown in ~~strike through~~ and additions shown in underline).

Section 5. This ordinance takes effect on January 1, 2026.

Section 6. In accordance with Government Code sections 66326 and 66333.5, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

Section 7. The City Clerk certifies that this Ordinance was adopted by the City Council at a regular meeting on December 15, 2025.

Section 8. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

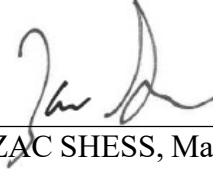
The foregoing ordinance was passed, approved, and adopted at a meeting of the City Council on the 15<sup>th</sup> day of December, 2025.

*[Signatures on the Following Page]*



PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Pleasant Hill, held on the 15<sup>th</sup> day of December, 2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:



ZAC SHESS, Mayor

ATTEST



LYONE P. CONNER, City Clerk



## EXHIBIT A

### 18.05.010 Accessory Dwelling Units (ADU and JADU)

- A. Purpose and Intent.
1. Purpose. The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
  2. Intent. The regulations of this Section are intended to:
    - a. Implement the provisions of the General Plan Housing Element.
    - b. Assure compliance with State law.
    - c. Encourage the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).
    - d. Streamline and minimize governmental constraints on residential development
    - e. Minimize potential adverse impacts on public health, safety, and general welfare that may be associated with accessory dwelling units.
- B. Applicability. This Section contains all applicable zoning standards for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). No additional standards from other chapters or sections of the Zoning Ordinance shall apply.
- C. Building Code Compliance Required. Any construction, establishment, alteration, enlargement or modification of an ADU or JADU shall comply with the requirements of this Section and the California Building Code. An ADU or JADU that conforms to the standards in this Section will not be:
1. Deemed to be inconsistent with the General Plan and zoning district for the lot on which the ADU or JADU is located.
  2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
  3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
  4. Required to correct a nonconforming zoning condition, as defined in Subsection C.8 of this Section. This does not prevent the City from enforcing compliance with applicable building standards in compliance with California Health and Safety Code Section 17980.12.
- D. Definitions. As used in this Section, terms are defined as follows additional terms:
1. Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family primary dwelling unit is situated. An accessory dwelling unit also includes the following:



- a. An efficiency unit, as defined by California Health and Safety Code section 17958.1; and
  - b. A manufactured home, as defined by California Health and Safety Code section 18007.
2. Complete Independent Living Facilities. Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
  3. Attached. An attached structure shares a common wall with the primary residential dwelling structure on a lot. A structure that is connected to the primary residential dwelling solely by a breezeway shall not be considered attached.
  4. Efficiency Kitchen. A removable kitchen that does not exceed six lineal feet and includes each of the following:
    - a. A cooking facility with appliances. Examples of appliances that may be used include microwaves, two-burner electric stove tops, refrigerators, freezers, and toaster ovens.
    - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
    - c. Food storage cabinets that total at least 30 square feet of shelf space.
  5. Junior Accessory Dwelling Unit (JADU). A JADU is a residential unit that does not exceed 500 square feet [of livable space](#) and is contained entirely within an existing or proposed structure and includes an efficiency kitchen and access to either private or shared sanitation facilities within the existing structure.
  6. Livable space means a space in a dwelling intended for human habitation including living, sleeping, eating, cooking, or sanitation.
  7. Living Area. The interior habitable area of a dwelling unit includes basements and attics but does not include a garage or any accessory structure.
  8. Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.
  9. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
  10. Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.
  11. Public Transit. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
  12. Setback. The required front, side, and rear setback for an ADU is measured from the furthest projection of the structure (such as an eave) to the corresponding property line.

13. Tandem Parking. When two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another, such that the front vehicle may not be retrieved without the rear vehicle being moved.

E. Types of Accessory Dwelling Units. An ADU approved under this Section may be one of the following types:

1. Attached. An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.
2. Detached. An accessory dwelling unit that is created from newly constructed space that is detached or separated from the proposed or existing primary dwelling. The detached accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
3. Converted. An accessory dwelling unit that is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Converted spaces may include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing space for the sole purpose of accommodating ingress and egress to the unit.
4. Junior Accessory Dwelling Unit. A junior accessory dwelling unit is a unit that meets all the following:
  - a. Shall only be allowed on lots zoned for single-unit residences and that include an existing or proposed single-family dwelling.
  - b. Is entirely located within a proposed or existing primary single-family dwelling (an enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure).
  - c. Has independent exterior access from the primary dwelling.
  - d. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
  - e. Includes an efficiency kitchen as defined in Subparagraph D.4 of this Section.

F. General Requirements for Approval. The following approvals apply to ADUs and JADUs under this Section:

1. ~~Building Permit Only. An application for a Building Permit within a residential or mixed-use zone for any of the following shall be approved ministerially if all applicable requirements are met:~~Class 1: Statutorily Regulated. Class 1 ADUs and JADUs are approved with an ADU permit and building permit under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in subsection G below, it is allowed in each of the scenarios provided in this subsection F.1. An ADU and JADU approved under subsection F.1.a may be combined with an



ADU approved under subsection F.1.b, and ADUs approved under subsection F.1.c may be combined with ADUs approved under subsection F.1.d.

- a. One Converted ADU and One JADU on a ~~Single-Family Lot~~ with Single-Family. One converted ADU as defined in Subparagraph E.3 of this Section and one JADU shall be allowed on a lot with a proposed or existing single-family dwelling if all of the following apply:
  - i. The converted ADU has exterior access that is independent from the single-family dwelling; and
  - ii. The converted ADU has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  - iii. The JADU, if applicable, complies with the requirements of Chapter 13 of Division 1 of Title 7 of the California Government Code.
  
- b. One Detached ADU and One JADU on a ~~Single-Family Lot~~ with Single-Family. One detached, new-construction ADU and one JADU shall be allowed on a lot with a proposed or existing single-family dwelling, if all the following conditions are met:
  - i. The side and rear setbacks of the detached ADU are at least four feet.
  - ii. The total floor area of the detached ADU is 800 square feet of livable space or smaller.
  - iii. The peak height above finished grade does not exceed the applicable height limit in Subparagraphs G.2.a through G.2.c of this Section.
  - iv. The JADU, if applicable, complies with the requirements of Government Code Sections 66333 through 66339.
  
- c. Converted ADU(s) on a ~~Multi-Family Lot~~ with Multi-Family. One or more ADUs within portions of existing multi-family dwelling structures that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) if each converted ADU complies with State building standards for dwellings. At least one converted ADU shall be allowed within an existing multi-family structure, up to a quantity equal to 25 percent of the existing multi-family dwelling units in the structure.
  
- d. Detached ADU on a ~~Multi-Family Lot~~ with Multi-Family. No more than two detached ADUs on a lot with a proposed multi-family dwelling, or up to eight detached ADUs on a lot with an existing multi-family dwelling, if each detached ADU satisfies the following limitations:
  - i. The side and rear setbacks are at least four feet. If the existing multi-family dwelling has a rear or side setback of less than four feet, the City will not require any modification to the multi-family dwelling as a condition of approving the ADU.

- ii. The peak height above finished grade does not exceed the applicable height limit in Subparagraphs G.2.a through G.2.c of this Section.
  - iii. If the lot has an existing multi-family dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.
- 2. ADU Permit. Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code sections 66314-66322. Except for Class 1 ADUs approved under subsection F.1 above, all ADUs are subject to the standards set forth in subsections G and H below.
  - a. Except as allowed under Subparagraph E.1 of this Section, no ADU may be created without a Building Permit and an ADU Permit in compliance with the standards established in Subsections G and H of this Section.
  - b. An ADU Permit shall be processed in compliance with the standards established in Section F.3 Chapter 18.170 (Zoning Permit).
  - c. The City may charge a fee to reimburse it for costs incurred in processing ADU Permits, including any costs of adopting or amending the City's ADU ordinance. The ADU Permit processing fee is determined by the Zoning Administrator and approved by the City Council by resolution.
- 3. Process and Timing.
  - a. Completeness
    - i. The City will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the City receives the application submittal.
    - ii. If the City determination under subsection F.3.a.i above is that the application is incomplete, the City's notice must list the incomplete items and describe how the application can be made complete.
    - iii. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete.
    - iv. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the City will determine in writing whether the additional information remedies all the incomplete items that the City identified in its original notice. The City may not require the application to include an item that was not included in the original notice.
    - v. If the City does not make a timely determination as required by this subsection (a), the application or resubmitted application is deemed complete for the purposes of subsection F.3.c below.



vi. An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

~~a.b.~~ An ADU Permit shall be considered and approved ministerially, without discretionary review or a hearing.

~~b.c.~~ The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved unless either:

i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

ii. An application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, in which case the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to for the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

d. If the City denies an application to create an ADU or JADU, the City shall provide the applicant written comments that include a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection F.3.c of this Section.

~~e.e.~~ An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

~~d.f.~~ A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

G. General Development Requirements. The following requirements apply to all Class 1 and Class 2 ADUs and JADUs ~~that are approved under Subsection E.1 or E.2 of this Section:~~

1. Zoning.

a. An Class 1 ADU or JADU subject only to a Building Permit approved under Subsection ~~EF~~.1 of this Section may be created on any lot in a residential or mixed-use zoning district.

b. ~~An Class 2 ADU or JADU subject to an ADU Permit~~ approved under Subsection ~~EE.2~~ of this Section may be created on any lot in a zoning district that allows single-family residential uses or multi-family residential uses.

b.c. In accordance with Government code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. Height. All ADUs shall comply with the following height requirements, measured above finished grade to the peak of the structure:
  - a. Except as otherwise provided by Subparagraphs G.2.b and G.2.c of this Section, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
  - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or 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 21155 of the California Public Resources Code. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
  - c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above finished grade may not exceed 18 feet in height.
  - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zoning district that applies to the primary dwelling, whichever is lower. This requirement shall not require the City to allow an ADU to exceed two stories.
3. Fire sprinklers.
  - a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
  - b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
4. Rental Term. An ADU or JADU may be rented separate from the primary residence for a rental term of 30 days or longer.
5. Separate Conveyance. An ADU or JADU shall not be sold or otherwise conveyed separately from the primary residence (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot), except as allowed under Government Code Section 66341.
6. Septic System. If the ADU or JADU will connect to an on-site water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
7. Owner Occupancy.





10. Building and Safety.
- a. Building Code. Subject to Subsection F.10.b of this Section, all ADUs and JADUs must comply with all local building code requirements.
  - b. 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 or a Code Enforcement Officer 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 G.10.b 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.

11. Certificate of Occupancy Timing

- a. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
- b. Notwithstanding subsection G.11.a above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:
  - i. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.
  - ii. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
  - iii. The ADU has been issued construction permits and has passed all required inspections.
  - iv. The ADU is not attached to the primary dwelling.

H. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU Permit under Paragraph EE.2 of this Section. No application of any requirements in this Subsection shall prevent the construction of an attached or detached ADU of at least 800 square feet with four-foot side and rear setbacks.

- 1. Maximum Unit Size.
  - a. The maximum size of a detached or attached ADU subject to this Subsection is 1,200 square feet.
  - b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- 2. Setbacks. ADUs subject to this Subsection shall comply with the following setbacks. Setbacks are measured from property lines or vehicular easements, whichever is applicable.
  - a. Attached and Detached ADUs.



- i. Front Setbacks. Front setback requirements shall comply with the following:
      - (1) Single-Family Residential Zoning District R-20: 25 feet.
      - (2) Single-Family Residential Zoning Districts R-15, R-10, R-10A, R-7, R-6, and Single-Family PUDs/PPDs: 20 feet.
      - (3) Mangini-Delu Residential Zoning District RMD: 15 feet.
      - (4) Multiple-Family Residential Zoning Districts MFM, MFH, MFVH: 10 feet;
      - (5) Multiple-Family Residential Zoning Districts PUD/PPD, MFL, MFVL: 15 feet.
      - (6) Mixed-Use Zoning Districts MX-N and MX: 15 feet.
      - (7) Mixed-Use Zoning District MX-HD: 10 feet.
      - (8) Mixed Use Zoning District MX-VHD: 5 feet.
    - ii. Side and Rear Setbacks. The side and rear setbacks for all ADUs shall be a minimum of four feet.
    - iii. If the ADU is constructed in the same location and to the same dimensions as an existing structure, no additional setbacks are required.
- 3. Floor Area Ratio (FAR). No ADU subject to this Subsection shall cause the total FAR of the lot to exceed that of the underlying zoning district.
- 4. Lot coverage. No ADU subject to this Subsection, shall cause the total lot coverage to exceed the maximum lot coverage requirements of the underlying zoning district as follows:
  - a- Single-Family Residential Zoning Districts R-20 and, R-15: 25 percent maximum lot coverage.
  - b- Single-Family Residential Zoning Districts R-10: 30 percent maximum lot coverage.
  - c- Single-Family Residential Zoning Districts PUD/PPD, R-10A, R-7, R-6 and Single-Family PUD/PPDs: 35 percent maximum lot coverage.
  - d- Mangini-Delu Residential Zoning District RMD: 70 percent maximum lot coverage.
  - e- Multiple-Family Residential Zoning Districts PUD/PPD, MFRVL, and MFRL: 40 percent maximum lot coverage.
  - f- Multiple-Family Residential Zoning District MFM: 50 percent maximum lot coverage.
  - g- Multiple-Family Residential Zoning District MFH: 60 percent maximum lot coverage.

- h. Multiple-Family Residential Zoning District MFVH: 70 percent maximum lot coverage.
  - i. Mixed-Use Zoning Districts MX-N, MX, MX-HD, MX-VHD: There is no lot coverage or FAR maximum established for residential uses in mixed-use zoning districts.
5. Open Space. No ADU may cause the site to be less than the following open space provisions for multi-family and mixed-use zoning districts:
- a. Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, shared open space, or a combination of the two.
  - b. Private Open Space. To satisfy the open space requirement, private open space must be on a patio or balcony, within which a horizontal rectangle has no dimension less than six feet.
  - c. Shared Open Space. To satisfy the open space requirement, shared open space must be provided by interior side yards, patios and terraces, each designed so that no dimension is less than 10 feet. The open space must be open to the sky and may not include driveways or parking areas or area required for front or corner side yards.
6. Landscaping. No ADU(s) shall cause the total landscaping of the lot to be less than that required in the underlying zoning district as follows:
- a. Single-Family Residential Zoning Districts (including PUD and PPD single-family residential): Minimum of 50 percent of the front yard setback area is to be landscaped.
  - b. Mangini-Delu Residential Zoning District RMD: At least 35 percent of the site shall be landscaped.
  - c. Multi-Family Residential Zoning Districts.
    - i. Multi-Family Residential Zoning Districts MFVL and MFL: At least 35 percent of the site shall be landscaped.
    - ii. Multi-Family Residential Zoning District MFM: At least 30 percent of the site shall be landscaped.
    - iii. Multi-Family Residential Zoning Districts PUD/PPD and MFH: At least 25 percent of the site shall be landscaped.
    - iv. Multi-Family residential zoning district MFVH: At least 15 percent of the site shall be landscaped.
  - d. Mixed-Use Zoning Districts.
    - i. Mixed-Use Zoning District MX-N: At least 25 percent of the site shall be landscaped.



- ii. Mixed-Use Zoning Districts MX, MX-HD, and MX-VHD: At least 15 percent of the site shall be landscaped.
- 7. Passageway. No passageway, as defined by Subsection D.9 of this Section, is required for an ADU.
- 8. Parking.
  - a. General Requirements. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking. The size of the off-street parking necessary for the ADU shall be eight and one-half feet wide by 19 feet deep (if enclosed the space shall be 10 feet wide by 22 feet deep, with a nine-foot-wide door opening) with a 10-foot-wide paved vehicular access from/to the public right-of-way and shall be surfaced with concrete or two inches of asphalt concrete over six inches of aggregate base.
  - b. Exceptions. Off-street parking for ADUs is not required in the following situations:
    - i. The ADU is located within one-half mile walking distance of public transit, as defined in Paragraph D.11 of this Section.
    - ii. The ADU is located within an architecturally and historically significant historic district.
    - iii. The ADU is located fully within the proposed or existing primary residence or an existing accessory structure.
    - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
    - v. When there is an established 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 multi-family dwelling on the same lot; provided, that the ADU or the lot satisfies any other criteria listed in Subsections H.8.b.i through H.8.b.v of this Section.
  - c. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- 9. Architectural Requirements.
  - a. The materials and colors of the exterior walls, roof, windows, and doors must match the appearance and architectural design of those of the primary dwelling.
  - b. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

- e. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance shall not be on the same side of the primary dwelling entrance, unless this entrance is screened from public views.
- d. The roof slope must 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.

10.—Screening. A ground-level ADU shall provide privacy between the ADU and adjacent parcels:

11. ~~10.~~ ~~Fence. A with a~~ solid fence at least six feet in height;

a. ~~Landscaping. A landscape screen at least six feet in height that complies with the following requirements:~~

i. ~~Trees. At least one 15-gallon size evergreen tree that is six feet tall at the time of installation for every 10 linear feet of exterior wall of the ADU;~~

ii. ~~Landscaping shall be drought tolerant.~~

12. ~~11.~~ Historical Protections. The following requirements apply to ADUs on or within 600 feet of real property that is listed in the California Register of Historic Resources: the architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must be located so as to not be visible from any public right-of-way.

I. Fees.

1. Impact fees.

a. No impact fee is required for an ADU that is less than 750 square feet in size.

b. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C) and is therefore not subject to school fees under Education Code section 17620.

~~b.c.~~ Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). Impact fee here does not include any connection fee or capacity charge for water or sewer service.

2. Waiving of Fees. The City shall waive fees for ADUs in the following manner:

a. Building and planning permit fees shall be waived if the ADU is deed-restricted for 55 years at the low-income affordable level.

b. Building, planning, and traffic mitigation fees shall be waived if the ADU is deed-restricted for 55 years at the very low-income affordable level.



- J. Nonconforming Zoning Conditions, Building Code Violations, and Unpermitted Structures.
1. General Requirements. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
  2. Unpermitted ADUs and JADUs Constructed Before 2018.
    - a. Permit to Legalize. As required by State law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
      - i. The ADU or JADU violates applicable building standards; or
      - ii. The ADU or JADU does not comply with State ADU or JADU law (Chapter 13 of Division 1 of Title 7 of the California Government Code) or the standards of this Section.
    - b. Exceptions.
      - i. Notwithstanding Subparagraph J.2.a of this Section, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
      - ii. Subparagraph J.2.a of this Section does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.
- K. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards established in this Section may be allowed by the City with a Use Permit, in accordance with the other provisions of this Title.