

RESOLUTION NO. PC-2020-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO CHAPTERS 18.08, 18.28, 18.32, 18.36, 18.44, 18.46, 18.84, 18.88, AND 18.106 OF THE PLEASANTON MUNICIPAL CODE TO COMPLY WITH STATE LEGISLATION FOR ACCESSORY DWELLING UNITS [CASE P20-0412]

WHEREAS, effective January 1, 2020, Assembly Bill 671, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587 amended Sections 65583, 65852.2, 65852.22, and 65852.26 of the Government Code, added Sections 17980.12 and 50504.5 to the Health and Safety Code, and Assembly Bill 670 added Section 4751 to the Civil Code, changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, State law provides that a local agency may adopt an ordinance that provides a ministerial approval for accessory dwelling units in any zone that allows residential use, and junior accessory dwelling units in any zone that allows a one-family residence, subject to applicable development standards; and

WHEREAS, the proposed amendments to the Pleasanton Municipal Code implement the requirements of state law and add local policies that are within the scope of the state law; and

WHEREAS, the proposed code amendments are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant Public Resources Code Section 21080.17 and categorically exempt per CEQA Guidelines Section 15303.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: The Planning Commission hereby recommends to the City Council approval of Case P20-0412, Amendments to Chapters 18.08, 18.28, 18.32, 18.36, 18.44, 18.84, and 18.106 of the Pleasanton Municipal Code to comply with state legislation for accessory dwelling units, as shown in Exhibit A to this resolution.

Section 2: This resolution shall become effective 15 days after its passage and adoption.

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PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on October 28, 2020 by the following vote:

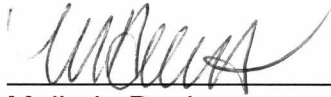
Ayes: Commissioners Allen, Balch, Brown, Pace, and Ritter

Noes: None

Absent: Commissioner O'Connor

Abstain: None

ATTEST:



Melinda Denis
Secretary, Planning Commission

DocuSigned by:



1C4A70E981E9468

Herb Ritter
Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

EXHIBIT A

TITLE 18 ZONING

CHAPTER 18.08 DEFINITIONS

18.08.016 Accessory dwelling units.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons **and is located on a lot with one or more proposed or existing primary residences.** It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the one-family **or multifamily** dwelling **is are** situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 2161 § 1, 2017)

18.08.268 Junior accessory dwelling units.

“Junior accessory dwelling unit” means an area not exceeding 500 square feet in size **excluding any shared sanitation facility with the primary residential unit** that is entirely contained within the space of **a proposed or existing detached one-family** residential dwelling unit. It shall include its own separate interior and exterior entrances, sink, cooking appliance, counter surface **for food preparation,** and storage cabinets **of reasonable size in relation to the size of the junior accessory dwelling unit** that meet minimum building code standards. The cooking facility shall have appliances that do not require electrical service greater than 120 volts, or natural or propane gas. The junior accessory unit may share a bathroom with the existing residential dwelling unit or may have its own bathroom. (Ord. 2161 § 1, 2017)

CHAPTER 18.28 A AGRICULTURAL DISTRICT

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

- A. ~~One family dwellings and accessory dwelling or junior accessory dwelling units. Not more than one dwelling unit and an accessory dwelling unit or junior accessory dwelling unit, shall be permitted on each site.~~ **One-family dwellings, accessory dwelling and junior accessory dwelling units. Accessory dwelling and junior accessory dwelling units shall meet the requirements in Chapter 18.106 of this title.**

18.28.080 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title **except for accessory dwelling units as provided in Chapter 18.106**. Applicants are advised to confer with the zoning administrator before preparing detailed plans.

CHAPTER 18.32 R-1 ONE -FAMILY RESIDENTIAL DISTRICTS

18.32.030 Permitted uses.

The following uses shall be permitted in the R-1 districts:

- H. Accessory dwelling ~~or~~ **and** junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.

18.32.090 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title **except for accessory dwelling units as provided in Chapter 18.106**. Applicants are advised to confer with the zoning administrator before preparing detailed plans.

CHAPTER 18.36 RM MULTI-FAMILY RESIDENTIAL DISTRICTS

18.36.030 Permitted uses.

The following uses shall be permitted in the RM multi-family residential districts:

- H. Accessory dwelling ~~or~~ **and** junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.

18.36.110 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title **except for accessory dwelling units as provided in Chapter 18.106**. Applicants are advised to confer with the zoning administrator before preparing detailed plans.

CHAPTER 18.44 C COMMERCIAL DISTRICTS

18.44.080 Permitted and conditional uses.

B. Multi-family dwellings and mixed-use development shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district, or, if applicable, the Core Area Overlay district. **When proposed with existing one-family or multifamily dwellings, accessory dwelling and/or junior accessory dwelling units, as applicable, meeting the requirements in Chapter 18.106 of this title are permitted.**

Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except when required by the Building Code for adjoining walls with openings.

18.44.140 Design review.

All uses in the C districts involving exterior changes, uses, or improvements shall be subject to design review as prescribed in Chapter 18.20 of this title **except for accessory dwelling units as provided in Chapter 18.106.** Applicants are advised to confer with the zoning administrator before preparing detailed plans

18.84.010 Basic requirements for all sections.

The zoning schedule provided in Table 18.84.010 located at the end of this chapter prescribes the basic site, yard, bulk, usable open space and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this chapter.

Notwithstanding these requirements, accessory dwelling units shall meet the standards in Chapter 18.106.

CHAPTER 18.84 SITE, YARD, BULK, USABLE OPEN SPACE AND LANDSCAPING REGULATIONS

**Table 18.84.010
Site Development Standards for Zoning Districts in Pleasanton**

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT 18.84.170	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE 18.84.140	CLASS 1 ACCESSORY STRUCTURES 18.84.160		
	Area	Width 18.84.050	Depth	Front 18.84.080	One Side/Both Sides 18.84.090	Rear 18.84.090					Maximum Height 18.84.140	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
A	5 acre	300 ft	---	30 ft	30 ft; 100 ft	50 ft	---	---	---	30 ft	30 ft**	30 ft**	30 ft**
R-1-40,000	40,000 sq ft 18.84.040	150 ft	150 ft 18.84.060	30 ft	5 ft; 50 ft	30 ft	40,000 sq ft	---	25%	30 ft	15 ft**	20 ft**	20 ft**
R-1-20,000	20,000 sq ft 18.84.040	100 ft	125 ft 18.84.060	25 ft	5 ft; 30 ft	25 ft	20,000 sq ft	---	30%	30 ft	15 ft**	3 ft**	5 ft**
R-1-10,000	10,000 sq ft 18.84.040	80 ft	100 ft 18.84.060	23 ft	5 ft; 20 ft	20 ft	10,000 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-8,500	8,500 sq ft 18.84.040	75 ft	100 ft 18.84.060	23 ft	5 ft; 15 ft	20 ft	8,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-7,500	7,500 sq ft 18.84.040	70 ft	100 ft 18.84.060	23 ft	5 ft; 14 ft	20 ft	7,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-6,500	6,500 sq ft 18.84.040	65 ft	100 ft 18.84.060	23 ft	5 ft; 12 ft	20 ft	6,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
RM-4,000	8,000 sq ft	70 ft	100 ft 18.84.060	20 ft	7 ft; 16 ft	30 ft	4,000 sq ft 18.84.030(E)	---	40%	30 ft	15 ft**	3 ft**	3 ft**
RM-2,500	7,500 sq ft	70 ft	100 ft 18.84.060	20 ft	8 ft; 20 ft	30 ft	2,500 sq ft 18.84.030(E)	400 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**
RM-2,000	10,000 sq ft	80 ft	100 ft 18.84.060	20 ft	8 ft; 20 ft	30 ft	2,000 sq ft 18.84.030(e)	350 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE	CLASS 1 ACCESSORY STRUCTURES 18.84.160		
	Area	Width	Depth	Front	One Side/Both Sides	Rear					Maximum Height	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
		18.84.050		18.84.080	18.84.090	18.84.090		18.84.170		18.84.140	18.84.140		
RM-1,500	10,500 sq ft	80 ft	125 ft	20 ft	8 ft	30 ft	1,500 sq ft	300 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**
C-C	---	---	---	18.84.130	18.84.130	---	1,000 sq ft	150 sq ft	300%	40 ft	40 ft**	---	---
MU-D	---	---	---	18.84.130	18.84.130	---	1,000 sq ft	150 sq ft	300%	46 ft	46 ft**	---	---
MU-T	10,000 sq ft	80 ft	100 ft	20 ft	10 ft	10 ft	1,000 sq ft	150 sq ft	125%	36 ft	15 ft**	3 ft**	3 ft**

** In the R-1 and RM districts, accessory Accessory dwelling units shall meet the development standards identified in Chapter 18.106, constructed above a detached garage may exceed 15 feet in height and shall not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

18.84.150 Height limits—Exceptions.

E. In the R-1 district, ~~and the RM district,~~ MU district, and the C-C district, ~~second accessory dwelling~~ units located above a garage may exceed the 15-foot height limit for accessory structures. ~~Second~~ units constructed above a detached garage in those districts may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

Chapter 18.46 MU Mixed Use Districts

18.46.090 Design review.

All exterior modifications (e.g., signs, landscape, additions, and other exterior building modifications) in the MU districts shall be subject to design review as prescribed in Chapters 18.20 and 18.74 of this title except for accessory dwelling units as provided in Chapter 18.106.

Chapter 18.88 OFF-STREET PARKING FACILITIES

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

1. ~~Single One-family dwelling units shall have at least two parking spaces. Accessory dwelling units shall adhere to the parking requirements in Section 18.106.~~

- 8. Accessory dwelling units shall adhere to the parking requirements in Section 18.106.**

CHAPTER 18.106 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

* Prior ordinance history: Ord. 1812 § 1, 2000.

18.106.010 Purpose.

Accessory and junior accessory dwelling units are a valuable form of housing in the city. These units meet the city's general plan housing policies related to: attaining a variety of housing types; providing housing stock to lower income households; including lower income housing units within market rate housing projects; providing alternative, nontraditional means suited to the community to fill lower and moderate income housing needs; meeting the city's share of regional housing needs; providing a means to assist homeowners in financing the acquisition of a home; and providing security to homeowners living alone.

The further purpose of this chapter is to comply with the requirements of State law. To do so, this chapter identifies those zoning districts where an accessory dwelling unit or junior accessory dwelling unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district.

18.106.020 Use requirements and review process.

A. Accessory dwelling units and junior accessory dwelling units are permitted uses in the R-1 one family residential district, RM multi-family residential district, planned unit developments zoned for residential uses, **MU mixed use districts, C-C central commercial district**, and A agricultural district, if the original **primary** unit is a **proposed or existing** legal ~~single one-family dwelling unit~~ **or existing legal multifamily development** and the accessory dwelling unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached accessory dwelling units, ~~and in Section 18.106.050~~ **18.106.045** of this chapter for detached accessory dwelling units, **Section 18.106.050 of this chapter for accessory dwelling unit(s) resulting from conversion of existing space in multifamily development**, or Section 18.106.070 of this chapter for junior accessory dwelling units. ~~A public hearing for design review purposes only shall be held if required by Chapter 18.20 of this title.~~

B. For purposes of this section:

- 1. A one-family development is defined as a property, site or parcel that contains one dwelling unit (other than an accessory dwelling unit), where the primary dwelling unit is detached and/or separated from any adjacent dwelling unit other than an accessory**

dwelling unit. A property, site or parcel containing multiple detached single family dwellings on the same lot shall also be considered a one-family development.

2. A multifamily development is defined as building(s) or structure(s) to house more than one household within separate dwelling units, including units having attached or shared walls.
3. A development project that has both one-family and multifamily units on the same lot shall be defined as a multifamily development.
4. In a development project that has both one-family and multifamily housing types, regulations applicable to one-family developments shall apply to the one-family housing types and regulations applicable to multifamily development shall apply to multifamily housing types, irrespective of whether those one-family or multifamily units are each located on their own lot or a common parcel.

C. Subject to meeting the regulations of this section, accessory dwelling units and junior accessory dwelling units as defined in Chapter 18.08 shall be allowed on a parcel in the following quantities:

1. In one-family developments, both of the following are permitted:
 - a. One accessory dwelling unit in addition to the primary residential unit. The accessory dwelling unit may be attached or detached and may be the result of new construction or existing space that is converted.
 - b. One junior accessory dwelling.
2. In the multifamily developments, one of the following are permitted:
 - a. Non-habitable portions of the existing main structure are permitted to be converted to an accessory dwelling unit. A minimum of one such accessory dwelling unit is permitted. The maximum number of such accessory dwelling units shall not exceed 25 percent of the existing multifamily dwelling units located within each multifamily structure. A fraction of 0.5 or more is rounded up and a fraction that is less than 0.5 is disregarded. In development projects that have both one-family and multifamily housing types, 25 percent shall apply only to the multifamily units, and any one-family units that are within a multifamily development but are own their own parcel are subject to regulations applicable to accessory dwelling units for one-family developments. If the multifamily unit is eligible for an accessory dwelling unit, the accessory dwelling unit resulting from the conversion of space may be located in either the multifamily unit or in the one-family unit.
 - b. A maximum of two detached accessory dwelling units are permitted. The two accessory dwelling units may be attached to one another but must be detached from all existing structures.

D. For purposes of this section, "Statewide Exemption Accessory Dwelling Unit Standards" are: 800 square feet maximum in size, 16 feet maximum in height, and four-foot minimum setbacks from side and rear property lines.

B. E. The city will act on an application to create an accessory dwelling unit or junior accessory dwelling unit within 60 days from receiving a complete application if there is an existing one-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a

new one-family dwelling, the city may delay acting on the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city acts on the permit application to create the new one-family dwelling. In any case, and notwithstanding the requirements of this title, the application to create the new accessory dwelling units or junior accessory dwelling unit shall be considered without discretionary review or hearing. The **An** application for an accessory dwelling or junior accessory dwelling unit shall be submitted to the planning division prior to the application for a building permit to the building division and shall include:

1. Plot plan (drawn to scale) showing the dimensions of the lot on which the accessory dwelling or junior accessory dwelling unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; **any existing trees proposed to be removed;** all easements; building envelopes; and parking for the project site.

2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.

3. Elevation drawings of existing and proposed elevations, showing all relevant details of the proposed construction, including but not limited to: dimensions; materials and colors with notation demonstrating that the proposed accessory dwelling unit matches the design of the existing structure; and any other special characteristics of the project.

4. A table detailing the lot size, existing home square footage (with and without the garage), square footage of the proposed accessory dwelling unit, and the floor area ratio.

C. **F. _____** When the site development regulations of this chapter (e.g., height, setback, size of the accessory dwelling or junior accessory dwelling unit) conflict with specific regulations in a planned unit development or specific plan for second units (not simply regulations for general class I accessory structures), the planned unit development and specific plan shall control.

Development standards set forth in a planned unit development or specific plan shall apply to any accessory dwelling unit that exceeds the Statewide Exemption Accessory Dwelling Unit Standards except that any such planned unit development or specific plan standard cannot be applied if it would either: (1) result in a conflict with standards set forth by the state for accessory dwelling units; or (2) preclude an accessory dwelling unit that meets the applicable requirements of state law or this chapter.

18.106.030 Density and growth management program.

A. An accessory dwelling or junior accessory dwelling unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.

B. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located **and is a residential use that is consistent with the existing general plan and zoning designation for the lot.**

18.106.040 Standards for attached accessory dwelling—Height limitations, setbacks, open space, and other regulations.

Attached accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. ~~Attached accessory dwelling units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure.~~

A. Except for an attached accessory dwelling unit that meets the Statewide Exemption Accessory Dwelling Unit Standards in Section 18.106.020, attached accessory dwelling units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure. Only in instances when complying with the front yard setback for the main structure precludes an accessory dwelling unit shall the accessory dwelling unit be permitted to encroach into the front yard setback but this encroachment shall be limited only to the extent necessary to accommodate the accessory dwelling unit. No setbacks are required for a legally existing living area that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

Height of the attached accessory dwelling unit is measured vertically from the average elevation of the natural grade or finished grade, whichever is lower, of the ground covered by the accessory dwelling unit to the highest point of the structure including parapet or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. Accessory dwelling units are limited to two stories. An accessory dwelling unit proposed on the second story shall meet the objective standards for second-story accessory dwelling units identified in Section 18.106.060(C)(2).

B. ~~The gross floor area of an attached accessory dwelling unit greater than a 150 square foot efficiency unit shall not exceed 50 percent of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 1,200 square feet. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the accessory dwelling unit addition/conversion.~~

B. The gross floor area of an attached accessory dwelling unit shall not exceed 50 percent of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 1,200 square feet. The gross floor area of the existing main dwelling unit is to be calculated based on the size of the unit prior to the accessory dwelling unit/conversion. In no case shall this requirement necessitate an accessory dwelling unit to be less than: (1) a 150 square foot efficiency unit; (2) 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit; or (3) 1,000 square feet if the accessory dwelling unit is two or more bedrooms.

C. An accessory dwelling unit that does not meet any of the Statewide Exemption Accessory Dwelling Unit Standards defined in Section 18.106.020 shall comply with applicable floor area ratio maximums, minimum open space requirements, and any other applicable development regulations established by this section and the zoning district or planned unit development in which the property is located.

~~D.~~ Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached accessory dwelling units.

18.106.045 ~~18.106.050~~ Standards for detached accessory dwelling units.—Height limitations, setbacks, open space, and other regulations.

Detached accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. Detached accessory dwelling units shall not exceed ~~±~~ **16** feet in height and shall be limited to one-story structures, except that a detached accessory unit may be constructed above a detached garage, provided the garage meets the minimum setback requirements of the site’s zoning district, ~~and the accessory dwelling unit is not less than 5 feet from the side and rear property lines, and the accessory dwelling unit meets the objective standards for second-story accessory dwelling units identified in Section 18.106.060(C)(2).~~ Accessory dwelling units constructed above a detached garage shall not exceed **two stories in all zoning districts and are limited to** 25 feet in height in the R-1 district, and the RM district, **MU district, and the C-C district**, and shall not exceed 30 feet in the A district. Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

B. **Where a detached accessory dwelling unit, or a portion thereof, would be constructed in exactly the same location and to exactly the same dimensions as a legal accessory structure, the accessory dwelling unit may maintain the same setbacks as the existing structure, with no minimum setback required. All other detached accessory dwelling units shall be located a minimum of 4 feet from side and rear property lines.**

~~All other detached accessory dwelling units shall be subject to the following minimum setback requirements:~~

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-40,000 district	20 feet	20 feet
All other lots	5 feet [†]	10 feet

Note:

[†] Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

C. The gross floor area of a detached ~~second-unit~~ **accessory dwelling unit** shall not exceed 1,200 square feet, **except where such unit results from conversion of an existing accessory building, in which case it may exceed this size limit.**

D. **An accessory dwelling unit that does not meet any of the Statewide Exemption Accessory Dwelling Unit Standards defined in Section 18.106.020 shall comply with applicable floor area ratio maximums, minimum open space requirements, and any other applicable development regulations established by this section and the zoning district or planned unit development in which the property is located.**

~~D.E.~~ Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached accessory dwelling units on one-family residential lots **and multifamily residential lots.**

18.106.050 Standards for accessory dwelling units resulting from converting existing space in multifamily developments—Height limitations, setbacks, open space, and other regulations.

Accessory dwelling units resulting from the conversion of existing space in multifamily developments shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. Expansions of the subject building not directly a part of the accessory dwelling unit shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the for the main structure, as applicable for the zoning district.

B. Existing space in the multifamily development that is converted to an accessory dwelling unit shall be limited to space that is not habitable space. Space that may be converted includes but is not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages. In no case shall the conversion of space to an accessory dwelling unit result in the elimination of access necessary to maintain safe ingress or egress per the Building and Fire Code.

C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for multifamily dwellings shall apply to the development of accessory dwelling units resulting from the conversion of existing space.

18.106.060 Required standards for all accessory dwelling units.

All accessory dwelling units shall meet the following standards:

A. Owner occupancy for the primary dwelling or the accessory dwelling unit is not required. Only one other residential unit shall be permitted on a lot with an accessory dwelling unit. If the owner occupies the primary residential unit, the owner may rent the accessory dwelling unit to one party. If the owner occupies the accessory dwelling unit, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the accessory dwelling unit together to one party who may not further sublease any unit(s) or portion(s) thereof. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter, and shall be the applicant for any permit issued under this chapter. A property owner may rent both the primary residential unit and the accessory dwelling to one party or separate parties, as long as the rental periods are longer than thirty days.

B. The accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the accessory dwelling unit be subdivided.

C. In addition to the other requirements of this chapter, the following objective standards shall apply to accessory dwelling units:

- 1. Additions to accessory structures of 150 square feet or less beyond the existing physical dimensions to accommodate ingress/egress to an accessory dwelling unit are allowed. Additions to accessory structures greater than 150 square feet necessitate that the proposed accessory dwelling unit meet the maximum size required by Section 18.106.045.**

- 2. The following standards apply to accessory dwelling units proposed as a second-story accessory dwelling unit:**
- a. **The exterior stairway proposed to serve the accessory dwelling unit shall not be visible from the public right of way on the frontage abutting the front yard upon completion of the construction of the accessory dwelling unit. Where the project includes planting of vegetation for screening an exterior stairway, the assessment of visibility may take into account the mature height of vegetation that has been planted but has not yet reached full maturity at completion of construction.**
 - b. **All new windows may be operable, but at least one of the following measures must be implemented for new second-story windows in an accessory dwelling unit that are 25 feet or less from a property line: (1) the proposed window of the accessory dwelling unit is positioned such that the window sill is at least five feet above finished floor; or (2) the proposed window of the accessory dwelling unit utilizes frosted or obscured glass in the glazing portion of the window.**

As used in this Section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.
- 3. No balconies or upper-story decks shall be allowed for an accessory dwelling unit, except for decorative/faux balconies without decks that match the primary dwelling structure.**
- 4. The following parking standards apply to accessory dwelling units:**
- a. **One additional off-street parking space on the lot shall be made continuously available to the occupants of the accessory dwelling unit. Required parking may be provided as tandem, or may be located in setbacks, but not in the front yard setback unless on the driveway.**
 - b. **When a garage, carport, or covered parking structure is demolished in conjunction with construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those offstreet parking spaces are not required to be replaced.**
 - c. **Parking for an accessory dwelling unit shall not be required if the accessory dwelling unit is:**
 - **located within a one-half mile of public transit.**
 - **located within an architecturally and historically significant historic district.**
 - **located in part of an existing primary residence or an existing accessory structure.**
 - **located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit; or**
 - **located within one block of a car share vehicle.**
 - d. **Parking shall not be required if the city finds that parking is not feasible due to site topography or would create fire or life-safety conditions.**
- 5. Accessory dwelling units shall incorporate roof and exterior wall material, building color(s), and trim that matches the primary dwelling structure to the maximum extent feasible.**

6. If garage space is converted to an accessory dwelling unit, at the option of the property owner, the existing garage door(s) may either be left in place, or removed and infilled such that the wall appears integrated with rest of the home, with the same exterior wall material, building color, and trim as the primary dwelling structure.
7. With the objective of retaining the appearance of a one-family residence, the entry door to an attached accessory dwelling unit proposed on a property with a one-family development shall be located on a different façade than the door to the primary residence.
8. The square footage of the primary residence and accessory dwelling unit(s) combined cannot exceed the maximum floor area ratio requirement for the lot, except that the maximum floor area ratio may not reduce the square footage of an accessory dwelling unit to less than 800 square feet if the accessory dwelling unit is 16 feet or less in height and located at least 4 feet from side and rear property lines.
9. The accessory dwelling unit shall have access to at least 80 square feet of open space on the lot, except that this open space requirement may not reduce the square footage of an accessory dwelling unit to less than 800 square feet if the accessory dwelling unit is 16 feet or less in height and located at least 4 feet from side and rear property lines.

C. The following parking standards shall apply to accessory dwelling units:

1. One additional off-street parking space on the lot shall be made continuously available to the occupants of the accessory dwelling unit. Required parking may be:

a. provided as tandem; or

b. located in setbacks, but not in the front yard setback unless on the driveway.

2. Parking for an accessory dwelling unit shall not be required if the accessory dwelling unit is:

a. located within a one-half mile of public transit.

b. located within an architecturally and historically significant historic district.

c. located in part of an existing primary residence or an existing accessory structure.

d. located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit; or

e. located within one block of a car share vehicle.

3. Parking shall not be required if the city finds that parking is not feasible due to site topography or would create fire or life-safety conditions.

4. When code required parking for the primary residence's garage, carport or covered parking is eliminated in conjunction with the construction or conversion of an accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary and accessory dwelling unit. With the approval of the community development director or his/her designee, the parking may be configured in a flexible manner so as not to burden the creation of the accessory dwelling unit. The location and

configuration of parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the accessory dwelling unit.

D. — The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.

E. — The accessory dwelling unit shall have access to at least 80 square feet of open space on the lot.

F. — **D.** The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the accessory dwelling unit from the engineering department.

G. — **E.** Adequate roadways, public utilities and services shall be available to serve the accessory dwelling unit. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an accessory dwelling unit contained within an existing structure and the utility shall not be required. Accessory dwelling units not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the accessory dwelling unit on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the city.

H. — **F.** The owner of the lot on which an accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the accessory dwelling units being rented.

I. — **G.** The accessory dwelling unit shall not create an adverse impact on any real property that is listed in the California Register of Historical ~~Places~~ **Resources**.

J. — **H.** The accessory dwelling unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

K. — A restrictive covenant shall be recorded against the lot containing the accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

~~The property contains an approved accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the accessory dwelling units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.~~

18.106.070 Required standards for all junior accessory dwelling units.

All junior accessory dwelling units shall meet the following standards:

A. The junior accessory dwelling unit shall be located entirely within the existing structure of the detached ~~single~~ **one**-family residence and shall have its own separate interior and exterior entrances.

B. The junior accessory dwelling unit shall not exceed 500 square feet in area. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.

C. The junior accessory dwelling unit shall include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. Gas and 220v circuits shall not be allowed. The junior accessory dwelling unit may share a bathroom with the primary residence or may have its own bathroom.

D. Parking shall not be required for a junior accessory dwelling unit. When code-required parking for the primary residence's garage is eliminated and/or modified, in conjunction with the creation of a junior accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary unit. With the approval of the community development director or designee, the parking may be configured in a flexible manner so as not to burden the creation of the junior accessory dwelling unit. The location and configuration of the replacement parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the junior accessory dwelling unit.

E. Additional water, sewer and power connection fees shall not be required.

F. Only one other residential unit **and one other accessory dwelling unit** shall be permitted on a lot with a junior accessory dwelling unit. If the owner occupies the primary residential unit, the owner may rent the junior accessory dwelling unit to one party. If the owner occupies the junior accessory dwelling unit, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the junior accessory dwelling unit together to one party who may not further sublease any unit(s) or portion(s) thereof. **In any case, the rental period shall be longer than 30 days.** The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter, and shall be the applicant for any permit issued under this chapter.

G. The junior accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence, nor shall the lot containing the junior dwelling unit be subdivided.

H. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the junior accessory dwelling unit from the engineering department.

I. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of junior accessory units.

J. The owner of the lot on which the junior accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented.

K. The junior accessory dwelling unit shall comply with the other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

~~L. A restrictive covenant shall be recorded against the lot containing the junior accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:~~

The property contains an approved junior accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the junior accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.