

PLANNING COMMISSION REGULAR MEETING AGENDA

Revised 2/12/2025

Wednesday, February 12, 2025
7 p.m.

City Council Chamber
200 Old Bernal Avenue
Pleasanton, CA 94566

**5835 Owens Drive, Hotel Lobby
Carlsbad, CA 92008**

The meeting will be held at the City Council Chambers at 200 Old Bernal Ave; **at 5835 Owens Drive, Carlsbad, CA, 92008**; and will be broadcast live at <https://www.youtube.com/user/TheCityofPleasanton>.

Public participation: It is requested that members of the public wishing to address the Planning Commission submit a speaker card. When public comment is opened on an agenda item, individuals may speak once per agenda item.

In Person at the City Council Chambers:

Submit a physical speaker card to the Recording Secretary at the meeting. When your name is called, please provide comment at the podium.

From 5835 Owens Drive, Carlsbad, CA 92008:

This location is accessible to the public and the public may address the Planning Commission from this location.

PUBLIC HEARING PROCEDURE

Each of the items listed will be heard as shown on the agenda unless the Planning Commission chooses to change the order. As each item is called, the hearing will proceed as follows:

- A Planning Division staff member will make a presentation on each case and answer Planning Commission questions, as needed.
- The applicant will be asked to present, if desired, or answer questions. Applicant presentations should be no longer than ten minutes.
- The Chair then calls on anyone desiring to speak on the item. Speakers are requested to state their names for the public record and to keep their testimony to no more than three minutes each, with minimum repetition of points made by previous speakers and by being as brief as possible in making their testimony.
- Following public testimony, the applicant will be given the opportunity to respond to issues raised by the public. The response should be limited to five minutes.

The public hearing will then be closed. The Planning Commissioners then discuss among themselves the application under consideration and act on the item. Planning Commission actions may be appealed to the City Council. Appeals must be filed with the City Clerk's Office within 15 days of the Planning Commission's action.

The Planning Commission Chair may enforce other rules as may further the fair and efficient running of the meeting, such as reducing the amount of testimony time allotted to the applicant and all those who wish to speak when the meeting agenda is lengthy or when there are numerous speakers for any specific item. The audience is requested to respect and extend courtesies to all those wishing to testify on all cases by being quiet while others are speaking.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

AGENDA AMENDMENTS

CONSENT CALENDAR - *Consent Calendar items are considered routine and will be enacted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

1. Actions of the Zoning Administrator
2. Approve the minutes of January 22, 2025

MEETING OPEN TO THE PUBLIC

3. Public Comment from the audience regarding items not listed on the agenda – *Speakers are encouraged to limit comments to 3 minutes*

PUBLIC HEARINGS AND OTHER MATTERS

4. **P25-0026, City of Pleasanton, PMC updates to the ADU chapter** – Consider and provide a recommendation to City Council for adoption for proposed amendments to Chapter 18.106 of the Pleasanton Municipal Code regarding accessory dwelling units, to comply with State Law, and consider inclusion of provisions to allow separate conveyance of accessory dwelling units as identified in State Law

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

5. Continued from January 22, 2025 - Selection of Planning Commission Vice Chair for 2025
6. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)
7. Actions of the City Council
8. Future Planning Calendar

MATTERS INITIATED BY COMMISSION MEMBERS

ADJOURNMENT

Notice

Under Government Code §54957.5, any writings/documents regarding an item on this agenda provided to a majority of the Planning Commission after distribution of the agenda packet will be available for public inspection at City Hall in the Planning Division, 200 Old Bernal Avenue, Pleasanton.

Accessible Public Meetings

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation (e.g., an assistive listening device), please contact Melinda Denis, Planning and Permit Center Manager, by phone at 925-931-5631 or by email at mdenis@cityofpleasantonca.gov at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

SUBJECT: Actions of the Zoning Administrator

P24-0741, Rajani Rangan

Application for Administrative Design Review approval to construct an approximately 194-square-foot addition to the rear of an existing residence located at 2359 Greenberry Court.

Approved. Appeal period expires February 19, 2025 (*Emily Carroll, 931-5608*)

P24-0760, Gary and Cynthia Stafford

Application for Administrative Design Review approval to construct an approximately 494-square-foot single-story addition to an existing single-family residence located at 5272 Ridgevale Way.

Approved. Appeal period expires February 19, 2025 (*Emily Carroll, 931-5608*)

PUD-81-1-5M, Chris and Beverly Louie

Application for site-specific Planned Unit Development (PUD) Minor Modification to PUD-87-1-5M to allow for a reduction in the required side yard setback to construct an addition at 3310 Sorrel Downs Court.

Approved. Appeal period expires February 19, 2025 (*Emily Carroll, 931-5608*)

P24-0762, Kalyana Gayatri Devi Kalluru

Application for Non-Exempt Home Occupation approval to conduct classical singing lessons for groups of up to 6 students between 4 p.m. and 8 p.m., Monday through Friday, at a residence located at 7239 Valley Trails Drive.

Approved. Appeal period expires February 19, 2025 (*Emily Carroll, 931-5608*)

P24-0749, Seigo Designs & Interiors

Application for Administrative Design Review approval to construct an approximately 412-square-foot, single-story addition to the southwest (left front) of the home located at 584 Tawny Drive.

Approved. Appeal period expires February 19, 2025 (*Natalie Amos, 931-5613*)

P24-0732, Guy Houston / California Gold Advocacy Group

Application for Sign Design Review approval to install a new monument, wall, and canopy signage as part of a gas station rebranding for Gulf Gas Station located at 4212 First Street.

Approved. Appeal period expires March 5, 2025 (*Eric Luchini, 931-5612*)

Wednesday, January 22, 2025

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Chair Morgan called the regular meeting of the Planning Commission to order at 7:04 p.m. from the City Council Chambers located at 200 Old Bernal Avenue.

Commissioner Pace led the Pledge of Allegiance.

Commissioners Present: Commissioners Vivek Mohan, Brandon Pace, and Chair Ken Morgan

Commissioners Absent: Commissioners Anurag Jain and Stephanie Wedge

AGENDA AMENDMENTS

Chair Morgan continued Item 8 to the next regular meeting.

CONSENT CALENDAR

1. Actions of the Zoning Administrator

Recommendation: Receive report.

2. P24-0635 and P24-0636, Tony Wang, 6622 Owens Drive – Application for Conditional Use Permit to operate a religious facility within an existing building with no more than 110 participants at any one time, and for Design Review to change the existing exterior roll-up door to a storefront window located at 6622 Owens Drive

Recommendation: Approve Resolution No. PC-2025-01 approving the application.

3. P24-0492 and P24-0493, Sean Kim, 6111 Johnson Court – Applications for: 1) Conditional Use Permit approval to operate a religious facility for up to 250 members; and 2) Design Review approval to construct an approximately 405-square-foot lobby entrance, parking lot modifications, and related site improvements for the existing facility located at 6111 Johnson Court

Recommendation: Approve Resolution No. PC-2025-02 approving the application.

4. Approve the meeting minutes of September 11, 2024

Recommendation: Approve the meeting minutes.

Chair Morgan opened the public comment. A public comment was received from Ke Han on behalf of the applicant for Item 2.

Chair Morgan closed the public comment.

MOTION: It was m/s by Pace/Mohan to approve the items on the Consent Calendar, as recommended.
Motion passed by the following vote:

Ayes: Commissioners Mohan, Pace, and Chair Morgan
Noes: None
Absent: Commissioners Jain and Wedge
Abstain: None

MEETING OPEN TO THE PUBLIC

5. Public comment regarding items not listed on the agenda.

Chair Morgan opened the public comment. There being no speakers, Chair Morgan closed the public comment.

PUBLIC HEARING AND OTHER MATTERS

6. P24-0720, Trumark Homes, 0 Vineyard Avenue – Application for General Plan Amendments to the Housing Element and the Land Use Element to allow for the required 3-acre park/open space on Housing Element Area 27 to be split into more than one area within the approximately 10.64-acre site located at 0 Vineyard Avenue (APN 946-4619-1)

Recommendation: Approve Resolution No. PC-2025-03 approving a General Plan amendment to the Land Use Element and the Housing Element, as recommended

Associate Planner Emily Carroll presented the item.

Chair Morgan opened the public comment. Public comments we received from: Garrett Hinds, applicant; Igor Ginzburg; and Arbinder Pabza.

Chair Morgan closed the public comment.

Chair Morgan opened the public comment. Public comments were received from: Garrett Hinds, applicant, and Robin Miller, applicant.

Chair Morgan closed the public comment.

MOTION: It was m/s by Pace/Mohan to adopt Resolution PC-2025-03 approving a General Plan amendment to the Land Use Element and the Housing Element with a modification to specify that the open space adjacent to Vineyard Avenue shall be a contiguous area comprising at least 60% of the total open space provided. Motion passed by the following vote:

Ayes: Commissioners Mohan, Pace, and Chair Morgan
Noes: None
Absent: Commissioners Jain and Wedge
Abstain: None

7. P24-0747, City of Pleasanton, 0 Vineyard Avenue – City-initiated application to amend the Vineyard Avenue Corridor Specific Plan to align with Housing Element permitted uses for the property and other conforming changes for the site located at 0 Vineyard Avenue

Recommendation: Approve Resolution No. PC-2025-04 recommending that the City Council approve amendments to the Vineyard Avenue Specific Plan, as recommended

Associate Planner Carroll presented the item.

Chair Morgan opened the public comment. A public comment was received from Igor Ginzburg.

Chair Morgan closed the public comment.

MOTION: It was m/s by Pace/Mohan to adopt Resolution No. PC-2025-04 recommending that the City Council approve amendments to the Vineyard Avenue Specific Plan, as recommended. Motion passed by the following vote:

Ayes:	Commissioners Mohan, Pace, and Chair Morgan
Noes:	None
Absent:	Commissioners Jain and Wedge
Abstain:	None

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

8. Selection of Planning Commission Vice Chair for 2025

Recommendation: Appoint Vice Chair for a one-year term beginning on January 1, 2025

Chair Morgan continued the appointment of the Vice Chair position to the next regular meeting due to commissioner absences.

9. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)

None.

10. Actions of the City Council

Director Ellen Clark provided a brief overview of the items listed in the report.

11. Future Planning Calendar

Planning and Permit Center Manager Melinda Denis provided a brief overview of the items listed in the report.

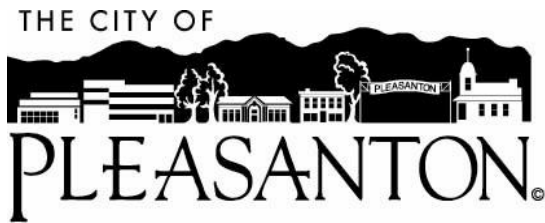
MATTERS INITIATED BY COMMISSION MEMBERS

None.

ADJOURNMENT

Chair Morgan adjourned the meeting at 8:15 p.m.

Estela Ramirez, Recording Secretary



Planning Commission Agenda Report

February 12, 2025

Item 4

SUBJECT:	P25-0026
APPLICANT:	City of Pleasanton
PURPOSE:	Consider and provide a recommendation to City Council for Adoption for proposed amendments to Chapter 18.106 of the Pleasanton Municipal Code regarding accessory dwelling units and junior accessory dwelling units, to comply with State Law, and consider inclusion of provisions to allow separate conveyance of accessory dwelling units as identified in State Law.
LOCATION:	Citywide
GENERAL PLAN/ SPECIFIC PLAN/ ZONING:	Various
EXHIBITS:	<ul style="list-style-type: none">A. Draft Resolution with proposed amendments to the Pleasanton Municipal CodeB. Excerpt of September 11, 2024, Planning Commission Agenda ReportC. San José Ordinance No. 31095

STAFF RECOMMENDATION

Staff recommends that the Planning Commission discuss the draft amendments to the Pleasanton Municipal Code (PMC), discuss the topic of separate conveyance of accessory dwelling units, and adopt a resolution recommending approval of Case P25-0026 to the City Council with the proposed amendments shown in Exhibit A.

EXECUTIVE SUMMARY

In September 2024 Governor Newsom signed Senate Bill 1211 (SB 1211) and Assembly Bill 2533 (AB 2533), amending existing State law with respect to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The laws took effect January 1, 2025. Accordingly, the City is initiating amendments to the PMC to comply with the recent legislation and other minor amendments to be consistent with State law. Additionally, staff seeks additional input from the Planning Commission on separate conveyance of ADUs as identified in Assembly Bill 1033 (AB 1033).

BACKGROUND

For the past several years, the State has adopted a series of new laws intended to encourage the production of ADUs and JADUs, principally by reducing regulatory barriers to property owners being able to construct these units. Recent examples include legislation requiring ministerial approval of ADU and JADU applications within 60 days, authorizing ADUs on lots with multifamily dwellings, and prohibiting local agencies from imposing local development standards (e.g., height and setbacks) beyond state-set limits. The City has progressively updated its ADU ordinance to respond to and come into compliance with State law; recent amendments were made. Ordinance 2213 was adopted in March 2021 to modify PMC Chapters 18.08, 18.28, 18.32, 18.36, 18.44, 18.46, 18.84, and 18.106 to implement State law, and in May 2024 Ordinance 2277 was adopted to revise Chapter 18.106 to comply with new State law.

AB 1033: Separate Conveyance of ADUs

Among the more recent changes to State law was AB 1033, which permits local agencies to allow ADUs to be sold separately (“separately conveyed”) from the lot’s primary dwelling if certain conditions are met. At its September 11, 2024, meeting, the Planning Commission discussed the separate conveyance of ADUs, and expressed some, although not unanimous, interest in pursuing the concept. Staff provided analysis of the pros and cons of separate conveyance as part of the September 11 Agenda Report (Excerpt attached (Exhibit B)). While recognizing that separate conveyance might encourage ADU production by allowing homeowners to receive more economic benefit when investing in construction of an ADU, the report also noted concerns about potential complexities when separately conveyed ADUs are part of a Homeowners Association (HOA) and subject to HOA rules and requirements. The City Council also discussed this topic as part of a discussion on October 15, 2024, and expressed an interest in further exploration of the topic.

Given this interest, staff has conducted additional analysis and is seeking further input from the Planning Commission to determine whether to recommend to the City Council an ordinance amendment to permit the separate conveyance of ADUs.

SB 1211

SB 1211 was signed into law in September 2024 and was effective on January 1, 2025. The bill’s major provisions address requirements for replacement parking and modify existing provisions regarding ADUs in multi-family properties, including conversion of existing space, and the number of allowable ADUs (See discussion below).

AB 2533

AB 2533 was signed into law in September 2024 and was effective on January 1, 2025. The bill addresses legalization of unpermitted ADUs and JADUs that were constructed before January 1, 2020. (See discussion below).

DISCUSSION:

SB 1211: Summary of Requirements and Proposed PMC Amendments

Replacement Parking: Existing Government Code section 66314(d)(11) prohibits local agencies from requiring off-street parking spaces to be replaced when a garage, carport or covered parking structure is demolished in conjunction with the construction of, or conversion

to, an ADU. SB 1211 amends this subsection to also prohibit local agencies from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU.

Multifamily ADUs: Existing Government Code section 66323(a)(3)(A), requires local agencies to ministerially approve qualifying building permit applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” The term “livable space” is not defined by state ADU law. SB1211 adds a new definition for “livable space’ which means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”

SB 1211 also increases the quantity of detached ADUs that lots with an existing multifamily dwelling can have. Currently, Government Code section 66323(a)(4)(A) permits lots with an existing or proposed multifamily dwelling to have up to two detached ADUs. SB 1211, allows lots with an existing multifamily dwelling to have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. SB 1211 does not alter the number of ADUs that lots with proposed multifamily dwellings can have — they remain limited to two detached ADUs.

State law requires complete consistency between a local ordinance and the state ADU law. As such, the City must amend its ordinance to comply with the changes required by SB 1211. Attachment 1 to Exhibit A of this agenda report includes the revised text of Chapter 18.106 of the PMC, including amendments to Sections 18.106.060(C) and (D), in conformance with the above requirements.

To date, the City has received two applications for multifamily ADUs – an application to construct two detached ADUs on a site with eight existing units and an application to convert attached covered garages to 10 ADUs at a multifamily site with 456 units. The amendments may allow for the construction of a greater number of units at multifamily sites.

AB 2533: Summary of Requirements and Proposed PMC Amendments

Government Code section 66332 prohibits local agencies from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows local agencies to deny a permit to legalize if they make a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 alters this requirement by amending Government Code section 66332 to: (1) expand its applicability to JADUs; (2) change the construction cutoff date from January 1, 2018, to January 1, 2020; (3) replace the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings); (4) mandate new public notification requirements about limits on local regulation, substandard-building criteria, and pre-application inspection by a private contractor; and (5) address scope of City inspections and limits on remedial action.

Attachment 1 to Exhibit A of this agenda report includes the revised text to Chapter 18.106 of the PMC, which adds Section 18.106.080, in conformance with the above requirements.

Separate Conveyance of ADUs

Since AB 1033 was adopted, very few jurisdictions have adopted an ordinance allowing the separate conveyance of ADUs. In staff's research, San José is the first and only Bay Area jurisdiction to do so. Other jurisdictions have provided discussion of the new law to their decision-making bodies, but in most cases, have suggested deferring development of local regulations, pending being able to gauge interest from the development community and to benefit from the experience of other jurisdictions in developing and implementing an ordinance.

The San José "ADU Condominium" ordinance, adopted on June 11, 2024, is attached to this report as Exhibit C and demonstrates the complexity of the process. To date, San José has received one application for ADU Condominium conversion. As can be seen in the ordinance, the requirements are lengthy and complex since they need to ensure that the separate conveyance includes adequate provisions for management and maintenance of common areas, including lienholder consent and the formation of an HOA for the primary unit and ADU.

No jurisdictions similar to Pleasanton (i.e. with a large number of planned unit developments and active HOAs) have adopted an ordinance to permit separate conveyance. As was discussed in the September 11 Agenda Report, many residential neighborhoods in Pleasanton are part of a Planned Unit Development and subject to an HOA and its CC&Rs. Staff believes allowing separate conveyance for properties with existing HOAs could raise complex questions about how dues would be assessed, and how ADU subdivisions would interface with existing CC&Rs and property maintenance and easement agreements.

Given these complexities, prevalence of HOAs in Pleasanton, unknown level of interest among property owners in separate conveyance, and added administration for both staff and existing HOAs to allow separate conveyance of the principal unit, staff does not recommend dedicating limited staff resources to developing a local ordinance to allow separate conveyance at this time. If there proves to be substantial property owner interest, and the opportunity to learn from the experience of other similar communities, adopting such an ordinance may be appropriate in the future.

PUBLIC NOTICE AND COMMENTS

Notification of this code amendment has been published in The Valley Times as an upcoming agenda item for the February 12, 2025, Planning Commission meeting. At the time this report was prepared, staff had not received comments regarding the proposed code amendment.

ENVIRONMENTAL ASSESSMENT

The proposed code amendments are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) in that CEQA does not apply to the adoption of an ordinance implementing state ADU law. The proposed amendments are also statutorily exempt pursuant to CEQA Guidelines Section 15268, in that the amendments are necessary to conform to and implement the ministerial approval processes mandated by State law. The amendments are further exempt pursuant to CEQA Guidelines Section 15061(b)(3) in that there is no possibility the activity will have a significant effect on the environment.

SUMMARY/CONCLUSION

The proposed text amendments to the PMC are intended to comply with SB 1211 and AB 2533 and other provisions of State ADU law. As noted in this agenda report, the Planning Commission may determine whether to recommend to the City Council an ordinance amendment to permit the separate conveyance of ADUs.

Primary Author:

Emily Carroll, Associate Planner, 925-931-5608 or ecarroll@cityofpleasantonca.gov

Reviewed/Approved By:

Melinda Denis, Planning and Permit Center Manager/Deputy Director of Community Development

Ellen Clark, Director of Community Development

Kim Cilley, Assistant City Attorney

RESOLUTION NO. PC-2025-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO CHAPTER 18.106 OF THE PLEASANTON MUNICIPAL CODE TO COMPLY WITH STATE LEGISLATION FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS [CASE P25-0026]

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, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, on March 2, 2021, the City Council adopted Ordinance 2213 to comply with state legislation pertaining to ADUs and JADUs; and

WHEREAS, on May 7, 2024, the City Council adopted Ordinance 2277 to implement additional state law requirements for ADUs.

WHEREAS, effective January 1, 2025, Senate Bill 1211 amended Sections 66314 and 66323 of the Government Code, and Assembly Bill 2533 amended Section 66332 changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; 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 Planning Commission reviewed the amendments to the Pleasanton Municipal Code at its February 12, 2025 meeting and recommended approval of the amendments by the City Council

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 finds that 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 CEQA

Guidelines 15282(h) in that CEQA does not apply to the adoption of a local ordinance implementing the provisions of State ADU law which is set forth in Government Code Section 66310 et. seq. The amendments are further statutorily exempt pursuant to CEQA Guidelines 15268 in that they are a “ministerial project,” involving little or no personal judgment. Additionally, the amendments are exempt pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment.

Section 2:

The Planning Commission hereby recommends that the City Council approve Case P25-0026, Amendment to Chapter 18.106 of the Pleasanton Municipal Code to comply with state legislation for accessory dwelling units and junior accessory dwelling units, as shown in Attachment 1 to this resolution.

Section 3:

This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on February 12, 2025, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Melinda Denis
Secretary, Planning Commission

Ken Morgan
Chair

APPROVED AS TO FORM:

Kimberly Cilley
Assistant City Attorney

ATTACHMENT 1

TITLE 18 ZONING

CHAPTER 18.106 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

Note: 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.

(Ord. 1885 § 2, 2003; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2213 § 2, 2021)

§ 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 primary unit is a proposed or existing legal one-family dwelling unit or existing legal multi-family 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, Section 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 multi-family development, or Section 18.106.070 of this chapter for junior accessory dwelling units.
- 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 multi-family 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 multi-family units on the same lot shall be defined as a multi-family development.
 4. In a development project that has both one-family and multi-family housing types, regulations applicable to one-family developments shall apply to the one-family housing types and regulations applicable to multi-family development shall apply to multi-family housing types, irrespective of whether those one-family or multi-family 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 multi-family developments, one of the following are permitted:
 - a. ~~Non-habitable portions of the existing main structure~~ ADUs may be created within the portions of existing multifamily structures that are not used as livable space, as defined by Gov. Code, § 66313(e); 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 multi-family dwelling units located within each multi-family 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 multi-family housing types, 25 percent shall apply only to the multi-family units, and any one-family units that are within a multi-family development but are on their own parcel are subject to regulations applicable to accessory dwelling units for one-family developments. If the multi-family unit is eligible for an accessory dwelling unit, the accessory dwelling unit resulting from the conversion of space may be located in either the multi-family unit or in the one-family unit.

- b. Lots with an existing multifamily dwelling are permitted to have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. Lots with proposed multifamily dwellings are permitted to have 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 ~~18~~, or ~~20~~ foot maximum in height depending on conditions specified in Government Code section 66321, subdivision (b)(4) ~~feet maximum in height~~, and four-foot minimum setbacks from side and rear property lines.
- E. The city will either approve or deny 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 multi-family 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 approving or denying the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city approves or denies the permit application to create the new one-family dwelling. If the city denies an application for an accessory dwelling unit or junior accessory dwelling unit, the city shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within 60 days. 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. An application for an accessory dwelling or junior accessory dwelling unit 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. If the accessory dwelling unit is for a multi-family development, the table shall include the square footages of all multi-family units within the subject multi-

family structure.

- F. 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.

(Ord. 1885 § 2, 2003; Ord. 2000 § 1, 2009; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2213 § 2, 2021; Ord. 2244 § 2, 2023)

§ 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.

(Ord. 1885 § 2, 2003; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2213 § 2, 2021)

§ 18.106.040. Standards for attached accessory dwelling units—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 not exceed 25 feet in height except when the accessory dwelling unit is the result of the conversion of existing space or accessory dwelling units are proposed as part of a new planned unit development. 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 minimum front, rear, and side yard requirements of the main structure as identified in Chapter 18.84, including requirements prescribed in Section 18.84.100. 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 not exceed 25

feet in height and 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 shall not exceed 50% of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit or 1,000 square feet if the accessory dwelling unit is two or more bedrooms. Accessory dwelling units that result from conversion of existing space may exceed these size limits. 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 all 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.

(Ord. 1885 § 2, 2003; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2213 § 2, 2021; Ord. 2277, 5/7/2024)

§ 18.106.045. 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, except that: (1) an accessory dwelling unit that is the result of the conversion of an existing accessory structure may retain the height of the accessory structure even if the structure is greater than 16 feet; and (2) detached accessory structures greater than 16 feet in height may be proposed as part of a new planned unit development. Height for all detached accessory dwelling units is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure; (3) a detached accessory dwelling unit on an existing or proposed single-family or multi-family dwelling unit that is within one-half mile walking distance of a major transit stop or high quality transit corridor, as defined in Section 21155 of the Public Resources Code shall not exceed 18 feet in height plus an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit; and (4) a detached accessory dwelling unit on a lot with an existing or proposed multi-family multi-story dwelling shall not exceed 18 feet in height.

- B. All detached accessory dwelling units shall be located a minimum of four feet from side and rear property lines, except in the case where an accessory dwelling unit exceeds 800 square feet, a 10-foot street side setback is required for corner lots. Only in instances when complying with the front yard setback precludes a Statewide Exemption Accessory Dwelling Unit can an encroachment into the front yard setback be permitted and shall be limited only to the extent necessary to accommodate a Statewide Exemption Accessory Dwelling Unit. 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, or is the result of the conversion of an existing accessory structure, the accessory dwelling unit may maintain the same setbacks as the existing structure, with no minimum setback required.
- C. The gross floor area of a detached accessory dwelling unit shall not exceed 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit or 1,000 square feet if the accessory dwelling unit is two or more bedrooms, except where such unit results from conversion of an existing accessory building, in which case it may exceed these size limits.
- D. An accessory dwelling unit that does not meet all 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.
- 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 multi-family residential lots. (Ord. 1885 § 2, 2003; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2213 § 2, 2021; Ord. 2244 § 2, 2023; Ord. 2277, 5/7/2024)

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

Accessory dwelling units resulting from the conversion of existing space in multi-family 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 multi-family development that is converted to an accessory dwelling unit shall be limited to space that is not ~~livable~~ ~~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 multi-family dwellings shall apply to the development of accessory dwelling units resulting from the conversion of existing space.

(Ord. 2213 § 2, 2021)

§ 18.106.060. Required standards for all accessory dwelling units.

All accessory dwelling units shall meet the following standards:

- A. ~~Only one other residential unit shall be permitted on a lot with an accessory dwelling unit. 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 may rent the accessory dwelling unit to one party. The rental period shall be 30 days or longer. No ADU may be rented for a term that is shorter than 30 days. The owner shall be a signatory to any lease for the with 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.~~
- B. Except as otherwise provided in Government Code Section 66341, 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. Accessory dwelling units shall incorporate the following:
 - a. Architecture of an accessory dwelling unit shall match the existing architectural style of the primary residence with the use of the following building elements to the maximum extent feasible:
 - i. Use of the same wall material or wall, or wall material that visually appears the same as the existing primary residence, including color and texture;
 - ii. Use of same trim material and trim style;
 - iii. Use of same roof form, roofing material and roof slope to the maximum extent feasible;
 - iv. Use of the same window size, proportion, operation, recess or reveal, divided light pattern, and spacing distance between placement of windows;
 - v. Use of same railing design and material.
 - b. A solid fence at least six feet in height and vegetative screening/plantings of

species with a mature height of at least 10 feet in height shall be located or constructed along interior side and rear property lines adjacent to the accessory dwelling unit if the accessory dwelling unit is located less than 10 feet from respective property lines. On a corner property, if the accessory dwelling unit is located less than 10 feet from respective property lines, a solid fence at least six feet in height or vegetative screening/plantings of a species with a mature height of at least 10 feet shall be located in the area between the accessory dwelling unit and the street side property line, and both a solid fence at least six feet in height and vegetative screening/planting of a species with a mature height of at least 10 feet shall be located in the area between the accessory dwelling unit and the rear property line. In no instance shall solid fencing be required in planned unit developments where open fencing is otherwise required. In no instance shall the provisions of this subsection conflict with the fence requirements identified in Chapter 18.84 of this title.

- c. Exterior lighting shall be shielded, directed downward, and located only at exterior doors and if applicable, along the path of travel from the public right-of-way.
 - d. To the maximum extent feasible, mechanical equipment and plumbing, conduit, or cabling for utilities is not permitted on the exterior walls of the accessory dwelling unit. This requirement does not apply to meters, electrical panels, and solar installations.
2. The following standards apply to accessory dwelling units proposed as a second-story accessory dwelling unit that is consistent with this chapter:
- a. Any 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: (i) the proposed window of the accessory dwelling unit is positioned such that the window sill is at least five feet above finished floor; or (ii) 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. 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.
5. 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 facade than the door to the primary residence.
6. 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.
7. 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 or uncovered 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:
 - i. Located within one-half mile of public transit;
 - ii. Located within an architecturally and historically significant historic district;
 - iii. Located in part of an existing primary residence or an existing accessory structure;
 - iv. Located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit;
 - v. Located within one block of a car share vehicle; or
 - vi. Constructed with a new single-family or multi-family dwelling unit on the same lot, provided the accessory dwelling unit or the parcel satisfies all other

development and parcel criteria.

- a. 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.
 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 four 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 four feet from side and rear property lines.
- 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.
 - 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.
 - 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.
 - G. The accessory dwelling unit shall not create an adverse impact on any real property that is listed in the California Register of Historical Resources.
 - 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.
 - I. 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, 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.

(Ord. 1885 § 2, 2003; Ord. 2000 § 1, 2009; Ord. 2080 § 2, 2013; Ord. 2161 § 1, 2017; Ord. 2179 § 2, 2018; Ord. 2213 § 2, 2021; Ord. 2277, 5/7/2024)

§ 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 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.

(Ord. 2161 § 1, 2017; Ord. 2179 § 2, 2018; Ord. 2213 § 2, 2021)

§ 18.106.080. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- A. 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.

B. 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, 2020, if the denial would be based on either of the following grounds:

1. The ADU or JADU violates applicable building standards; or
2. The ADU or JADU does not comply with state ADU law or this Chapter 18.106.

C. Notwithstanding subsection 18.106.080(B). above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, 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. Subsection 18.106.080(B) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

Separate Conveyance of ADUs

AB1033 allows the City to adopt an ordinance for the separate conveyance of ADUs. As noted, the City's current ADU ordinance prohibits the primary unit and an ADU to be under separate ownership. This approach was in line with requiring owner-occupancy in either the primary unit or the ADU. Recent amendments to State law prohibit the City from requiring owner-occupancy on a property with an ADU; that is, the owner is allowed to rent out both the primary residence and the ADU. While owner-occupancy is unilaterally prohibited, the City has the option to implement AB1033 and allow for the separate sale of the two units, i.e., the principal unit and the ADU.

In addition to requirements related to objective design standards in the Subdivision Map Act and conformance with the Davis-Stirling Common Interest Development Act, which is related to the formation of a Homeowners Association (HOA) for maintenance of common areas such as driveways or shared landscaping, the homeowner must notify providers of utilities (e.g., water, sewer, gas, electricity) of the condominium conveyance.

The City reviews requests for condominium subdivisions via a parcel map, typically acted upon by the Zoning Administrator. If the Planning Commission were to recommend the City allow for the separate conveyance of ADUs, a similar process to the current one for parcel maps would likely be recommended by staff.

Considerations for the Planning Commission related to separate conveyance of ADUs include whether or not this flexibility would result in a greater number of ADUs in the City and if the separate conveyance would function to encourage a larger number of homeowners to construct an ADU since a homeowner would benefit from the monetary gain by sale of the unit.

State law acknowledges, however, that establishing an HOA between the principal unit and the ADU within a community which already has an HOA may not be ideal for implementation of the CC&Rs or administration of dues by the HOA. Accordingly, State law requires the property owner to obtain written permission from the HOA before forming the owners' association for the principal unit and ADU prior to recordation of a condominium plan.

Based on these concerns, and given the likely marginal benefit, limited applicability, and added administration on behalf of existing HOAs to allow separate conveyance of the principal unit and ADU, staff recommends the City consider deferring the consideration of an ordinance to allow separate conveyance until other jurisdictions similar to Pleasanton (i.e., with a large number of planned developments and active HOAs) adopt an ordinance, or until such time the City experiences a higher degree of interest or number of requests to allow separate conveyance.

PUBLIC NOTICE

Notification of this code amendment has been published in The Valley Times as an upcoming agenda item for the September 11, 2024, Planning Commission meeting. At the time this report was prepared, staff has not received comments regarding the proposed code amendments.



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that “**Ordinance No. 31095**”, the original copy of which is attached hereto, was passed for publication of title on the **11th day of June 2024**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **18th day of June, 2024**, by the following vote:

AYES: BATRA, CANDELAS, COHEN, DOAN, FOLEY, ORTIZ,
 TORRES, KAMEI, MAHAN.

NOES: NONE.


ABSENT: DAVIS, JIMENEZ.

DISQUALIFIED: NONE.

VACANT: NONE.

Said Ordinance is effective as of the **19th day of July 2024**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **18th day of June, 2024**.

(SEAL) 

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 31095

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO: (1) AMEND CHAPTER 20.30 TO INCLUDE AMENDMENTS TO (A) SECTION 20.30.400, TO CLARIFY PEDESTRIAN ACCESS; (B) SECTION 20.30.500, TABLE 20-70, NOTE 2, TO EXCLUDE RETAINING WALLS FROM ACCESSORY STRUCTURES ALONG CORNER LOT SETBACK; AND (C) SECTION 20.30.510 TO CLARIFY REAR YARD COVERAGE; (2) AMEND CHAPTER 20.70, SECTION 20.70.100, TABLE 20-140 TO ALLOW INDOOR SALES OF ZERO EMISSION VEHICLES, AND ADD SECTIONS 20.70.110, 20.70.120, AND 20.70.130 WHICH HAD BEEN INADVERTENTLY DELETED; (3) AMEND SECTION 20.80.175 AND ADD A NEW PART 2.76 OF CHAPTER 20.80 TO ALLOW THE SALE AND CONVEYANCE OF ACCESSORY DWELLING UNIT CONDOMINIUMS; (4) AMEND CHAPTER 20.90, SECTION 20.90.060 TO INCLUDE PREVIOUSLY APPROVED RATIOS FOR LONG-TERM AND SHORT-TERM BICYCLE SPACES, AND ADD SECTION 20.90.150 WHICH HAD BEEN INADVERTENTLY DELETED; (5) AMEND SECTIONS 20.195.010, 20.195.020, 20.195.030 AND 20.195.050 OF CHAPTER 20.195 TO INCLUDE RECENT REFERENCES TO GOVERNMENT CODE SECTIONS FOR HOUSING; AND (6) AMEND SECTION 20.200.1265 OF CHAPTER 20.200 TO CHANGE EXISTING DEFINITION OF 'PERMANENT SUPPORTIVE HOUSING'; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and

20.80.183 Permit Required

Pursuant to Government Code Section 66342, this Section provides for the streamlined approval for conversion of existing or new Accessory Dwelling Units (ADU) into condominiums. These condominiums shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part or pursuant to Government Code Section 66341. No condominium conversion to a project shall be permitted in any district unless permitted in such district and without obtaining approval of a Parcel Map pursuant to the provisions of this Title and Title 19 of the San José Municipal Code.

20.80.185 ADU Condominium Requirements

Subject to the provisions of Section 20.80.180, to achieve the purposes of this Chapter, all projects shall conform to the following requirements:

- A. A maximum of two ADU condominium units shall be allowed on lots that presently allow ADUs, and could include an attached Accessory Dwelling Unit and/or a detached Accessory Dwelling Unit built in accordance with Part 2.75, (Accessory Dwelling Units), Chapter 20.80. In conjunction with the ADU condominium, the parcel map approved pursuant with this section may also include the subdivision of up to two primary dwelling units, in conformance with Part 8, Senate Bill 9 implementation, into condominiums. This allowance shall not exceed a total of four condominium units on each single-family, two-family or multi-family lot under any circumstances.
- B. All structures and buildings included as part of a condominium project shall conform to the building and zoning requirements applicable to the zoning district in which the project is proposed to be located. Designation of individual

condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.

C. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

D. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all other objective requirements of this Part.

1 Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:

a. A lienholder may refuse to give consent.

b. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

2. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

3. The lienholder's consent shall be included on the condominium plan, or attached to the condominium plan that includes the following information:
 - a. The lienholder's signature.
 - b. The name of the record owner or ground lessee.
 - c. The legal description of the real property.
 - d. The identities of all parties with an interest in the real property as reflected in the real property records.
 - e. The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

- E. An Accessory Dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part and of Title 19 of the San José Municipal Code. Prior to approval of a parcel map, a home or property owners' association or similar entity shall be formed for any condominium project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, pool or common roof, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.
 1. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

2. For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- F. The applicant shall prepare a declaration of covenants, conditions and restrictions (CC&Rs) which shall be recorded and apply to each owner of a condominium unit within the project. The CC&Rs shall be recorded at, or prior to, the time of parcel map approval, and shall include all applicable conditions of approval and requirements of the City. The CC&Rs shall, at a minimum, provide:
1. That any amendment to the CC&Rs related to the conditions of approval or other requirements of this Chapter may not be approved without prior consent of the City.
 2. That there shall be an entity created (e.g., a property or homeowners' association) which shall be financially responsible for and shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities.
 3. A provision containing information regarding the conveyance of units and any assignment of parking, an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities, and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.
 4. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association.

5. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners' association which is responsible for management of the common areas and enforcement of the CC&Rs.
- G. In addition to such covenants, conditions, and restrictions that may be required by the Department of Real Estate of the State of California pursuant to Title 6 (Condominiums) of the Civil Code or other State laws or policies, the organization documents shall provide for the following:
1. Conveyance of units.
 2. Management of common areas within the project where common areas exist.
 3. A proposed annual operating budget containing a reserve fund to pay major anticipated maintenance, repair, or replacement expenses where shared common area infrastructure exists; and indicating the association fees needed for the operating budget and reserve fund.
 4. FHA regulatory agreement, if any.
- H. If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- I. The ADU shall comply with all applicable technical codes including the California Building and Fire Codes. Prior to approval of the parcel map, a safety inspection of the ADU shall be conducted as evidenced through issuance of a final Building

Permit or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

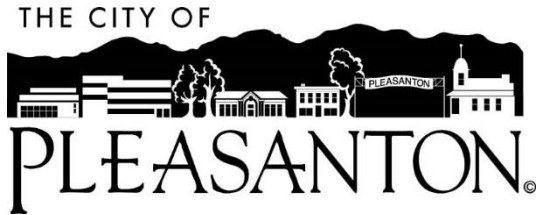
J. In addition to other application submittal requirements, the following information shall be provided:

1. Statement regarding current ownership of all improvements and underlying land.
2. A site plan and boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.
3. Dimensions and location of each building or unit and the location of all fences and walls.
4. The location, size, and design for all common areas, including all facilities and amenities provided within the common areas for use by unit owners.
5. Location and condition for all paved areas, including pedestrian walkways.
6. Maintenance plan of all buildings and common areas and facilities.

SECTION 10. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.060 Parking Spaces

A. Off-Street Vehicle Spaces.



Planning Commission Agenda Report

February 12, 2025
Item 5

SUBJECT: Continued from January 22, 2025 - Election of Planning Commission Vice Chair for 2025

Pleasanton Municipal Code Section 2.30.070 describes the organization of the Planning Commission.

Per Section 2.30.070, the Commission shall, each December, elect a Chair and a Vice Chair by majority vote. Commissioners may serve no more than two consecutive full terms as chairperson of the commission.

At its December 11, 2024, meeting, the Planning Commission elected Commissioner Anurag Jain as Vice Chair by unanimous vote.

On January 1, 2025, Vice Chair Jain submitted his formal resignation from the Vice Chair position to staff via email. Accordingly, the Planning Commission is requested to consider and elect a new Vice Chair for the current term of service, effective January 1 to December 31, 2025.

SUBJECT: Committee, Commission, and Task Force List

Bicycle, Pedestrian, and Trails Committee

Advise the Parks and Recreation Commission and the City's Traffic Engineering Division on bicycle, pedestrian and trail-related items. The committee reviews and prioritizes potential projects and provides input on policies related to bikeways and trails.

Meeting Time: Fourth Monday of every other month at 6:45 p.m.
Meeting Location: Pleasanton Senior Center, 5353 Sunol Blvd., Pleasanton
Representative: Commissioner Jain
Alternate: Commissioner Pace
Staff Contacts: Matt Nelson, Traffic Engineer, 931-5671; Matt Gruber, Landscape Architect, 931-5672

Civic Arts Commission

Promote the acquisition, construction and installment of works of public art in Pleasanton. Make recommendations to the City Council regarding the City Civic Arts Program.

Meeting Time: First Monday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Lia Bushong, Asst. Director, Library and Recreation, 931-3412

Committee on Energy and the Environment

Works closely with City staff to prepare an Energy and Environmental Priorities Plan focusing on energy and environmental issues and strategies reflecting community opportunities, needs and interests.

Meeting Time: Fourth Wednesday of every other month at 5:00 p.m.
Meeting Location: Operations Service Center, 3333 Busch Rd., Pleasanton
Staff Contact: Megan Campbell, Associate Planner, 931-5610

Economic Vitality Committee

Assess the current and ongoing business climate in the City of Pleasanton and offer suggestions and recommendations to the City Council intended to maintain a strong economic development base in the City.

Meeting Time: Third Thursday of each month at 7:30 a.m.
Meeting Location: Remillard Conference Room, 3333 Busch Rd., Pleasanton
Staff Contact: Lisa Adamos, Economic Development Manager, 931-5039

Heritage Tree Board of Appeals

Make findings of fact upholding, reversing or modifying the director's decision with regard to heritage tree removal permits.

Meeting Time: As needed
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Representatives: Commissioners Wedge, one vacancy
Alternate: One vacancy

Human Services Commission

Advise the City Council on the human service needs of the community and methods of fulfilling these needs. Particular emphasis is given by the commission to the human service needs of the socially and economically disadvantaged, the elderly and the youth of the community.

Meeting Time: First Wednesday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Lia Bushong, Asst. Director, Library and Recreation, 931-3412

Library Commission

Advise the City Council on matters related to the Pleasanton Library and library services in general. Promote the use of library services to the community.

Meeting Time: First Thursday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Heidi Murphy, Director of Library and Recreation, 931-3400

Parks and Recreation Commission

Advise the City Council, City Manager, and Parks and Community Services Department on matters related to the development and provision of services pertaining to parks and recreation facilities, programs and services.

Meeting Time: Second Thursday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Heidi Murphy, Director of Library and Recreation, 931-3400

Youth Commission

Act as the liaison between Pleasanton's youth community and the City Council; advise the Council on youth-related issues; promote an understanding and appreciation of community affairs among the youth of Pleasanton.

Meeting Time: Second Wednesday of each month at 7 p.m., September-May
Meeting Location: Remillard Conference Room, 3333 Busch Rd., Pleasanton
Staff Contact: Nicole Thomas, Recreation Supervisor, 931-3432

SUBJECT: Actions of the City Council

January 21, 2025

Consent Calendar:

Actions of the Zoning Administrator and Planning Commission

Approve the first amendment to the as-needed Maintenance Agreement for pavement striping and signage services with Womack Striping, Inc., to increase the contract maximum by \$50,000 to \$275,000 for the current two-year term through June 30, 2025, and extend the contract for one additional year by \$50,000 with an annual maximum of \$150,000 beginning July 1, 2025

Council approved the consent calendar, as recommended.

February 4, 2025

Consent Calendar:

Actions of the Zoning Administrator and Planning Commission

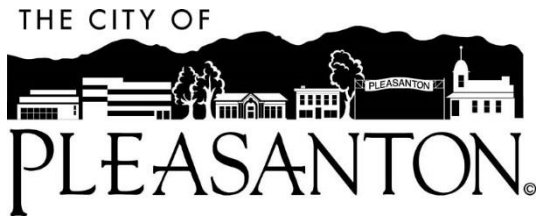
Adopt Ordinance No. 2290 approving the applications for: (1) Planned Unit Development rezoning (P21-1173) of two parcels totaling approximately 2.3 acres in area from Central-Commercial (C-C) to Planned Unit Development-Mixed-Use (PUD-MU) District; (2) Planned Unit Development plan (PUD-146) to: (a) retain the two-story single-family home and construct a two-story addition to the north side of the home; (b) demolish the detached accessory dwelling unit, Barone's restaurant, and all other structures and site modifications; and (c) construct 14 detached single-family homes and two commercial buildings with a public plaza and parking lot, new private street, and related site improvements, subject to the conditions of approval 475 and 493 Saint John Street

Council approved the consent calendar, as recommended.

Public Hearing:

Receive update on residential development proposals on two properties in East Pleasanton, outside the City Limits and 1) Provide direction to proceed with applications for annexation and development in Pleasanton; 2) Provide feedback on key issues relative to the two projects; 3) Approve key terms regarding processing of applications for the Arroyo Lago Project; and 4) Approve Key Terms regarding processing of applications for the East Lakes Project

Council continued the hearing item to the next regular meeting.



**Planning Commission
Agenda Report**

February 12, 2025
Item 8

SUBJECT: Future Planning Calendar

No items to report.