

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 9.146.050 OF THE LAKE FOREST MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

**WHEREAS**, the City of Lake Forest, California (“City”) is a municipal corporation, organized under the constitution and the laws of the State of California; and

**WHEREAS**, the Planning and Zoning 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 2019, the California Legislature approved, and the Governor signed into law a number of bills (“2019 ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

**WHEREAS**, on July 21, 2020, the City Council adopted Ordinance No. 336, which updated the City’s ADU and JADU regulations (contained in Lake Forest Municipal Code section 9.146.050) to comply with the 2019 ADU Laws; and

**WHEREAS**, among other things, Ordinance No. 336 provides that second story or two-story attached ADUs cannot exceed the height of the primary dwelling; and

**WHEREAS**, City staff has proposed revising this limitation to instead provide that second story or two-story attached ADUs may not exceed 35 feet in height; and

**WHEREAS**, this revision will simplify implementation of the City’s ADU ordinance as 35 feet is the universal height limitation for all residential zones in the City; and

**WHEREAS**, under the 2019 ADU Laws, the City is required to act on complete ADU applications within 60 days; and

**WHEREAS**, in September of 2020, the California Legislature approved, and the Governor signed into law, Assembly Bill 3182 (“AB 3182”); and

**WHEREAS**, among other things, AB 3182 clarifies that if a City does not act on a complete ADU application within 60 days (subject to limited exceptions), the application is deemed approved; and

**WHEREAS**, the 2019 ADU Laws require the City, under specified scenarios, to allow certain ADUs and JADUs with only a building permit; and

**WHEREAS**, consistent with the 2019 ADU Laws, the City currently allows construction of one ADU or JADU (with only a building permit) when the ADU or JADU is on a lot with a proposed or existing single-family dwelling and located within the space of a single-family dwelling or within the space of an existing accessory structure. Following AB 3182, the City must now allow (with only a building permit) construction of both an ADU and JADU in such circumstances; and

**WHEREAS**, in addition to amending the City's height limitation for second story or two-story attached ADUs, this Ordinance amends the City's ADU regulations to comply with AB 3182;

**WHEREAS**, on November 19, 2020, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance No. [REDACTED] (Zoning Code Amendment ZC 11-20-5387) by advertisement in a newspaper of general circulation; and

**WHEREAS**, on December 3, 2020, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning Ordinance No. [REDACTED]. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS**, on December 17, 2020, the City gave public notice of a City Council public hearing to be held to consider Ordinance No. [REDACTED] by advertisement in a newspaper of general circulation; and

**WHEREAS**, in substantial compliance with Lake Forest Municipal Code section 9.196.020, on December 31, 2020, the Ordinance and all relevant documents available were made available for public inspection on the City's website at least five (5) days in advance of the City Council's consideration of this ordinance; and

**WHEREAS**, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this Ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City's Planning Commission; and

**WHEREAS**, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City has determined that the revisions to Lake Forest Municipal Code section 9.146.050 as provided in this Ordinance are exempt from environmental review.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST DOES ORDAIN AS FOLLOWS:

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

**Section 2.** Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law. Therefore, this Ordinance is statutorily exempt from CEQA because this Ordinance implements the State’s ADU law.

**Section 3.** Based on the entire record before the City Council, and all written and oral evidence presented, the City Council hereby finds that this Ordinance’s amendments to Lake Forest Municipal Code (“LFMC”) section 9.146.050 are consistent with the City’s adopted General Plan for the reasons set forth below:

1. Land Use Element Action LU-2c provides for periodic review and amendment the Zoning Code to ensure the Zoning Ordinance is consistent with new State legislation and court decisions, and review and amendment of the Zoning Ordinance to clarify permitted and conditionally permitted uses in all districts. This Ordinance: (1) updates LFMC section 9.146.050 to comply with changes in State law (i.e., AB 3182); and (2) ensures that the City’s ADU regulations are straightforward, consistent, and clear as it provides an objective and uniform maximum height standard for second story or two-story attached ADUs. Accordingly, this Ordinance’s amendments to the Zoning Code are consistent with the General Plan.
2. Housing Element Policy 1.1 encourages review of Ordinances amending the Zoning Code to facilitate the provision of a variety of housing opportunities, such as second dwelling units, to fulfill regional housing needs. This Ordinance promotes Housing Element Policy 1.1 because it will allow second story or two-story attached ADUs to be up to 35 feet in height, which is more generous than the current restrictions limiting such ADUs to the height of the primary dwelling. By relaxing the height limitation for second story or two-story attached ADUs, the City is simplifying its ADU regulations and facilitating the construction of such ADUs, thereby promoting Housing Element Policy 1.1. Therefore, this Ordinance’s amendments to the Zoning Code are consistent with the General Plan.

**Section 4.** Attached as Exhibit “A” to this Ordinance is Lake Forest Municipal Code section 9.146.050 as amended by this Ordinance with underline (for additions) and ~~strikethrough~~ (for deletions) format.

**Section 5.** Subsection (D)(1)(a) of Section 9.146.050 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

- “a. **Converted on Single-family Lot:** One ADU (as described in this subsection (D)(1)(a)) and one JADU on a lot with a proposed or existing

single-family dwelling on it, where the ADU or JADU:

- i. Is either: within the space of a proposed or existing single-family dwelling; or within the space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
- ii. Has exterior access that is independent of that for the single-family dwelling.
- iii. Has side-and rear-yard setbacks sufficient for safety, as dictated by applicable building and fire codes.
- iv. The JADU complies with all the requirements of Gov. Code section 65852.22.”

**Section 6.** Subsection (D)(3) of Section 9.146.050 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

**“3. Process and Timing**

- a. An ADU permit shall be considered and approved ministerially, without discretionary review or a hearing.
- b. The City must act on building permit applications (submitted under subsection (D)(1) above (“Building-permit Only”)) and applications for an ADU permit within 60 days from the date that the City receives a completed application. If the City does not act upon the completed application within 60 days, the application is deemed approved unless either:
  - i. The applicant requests a delay in writing, in which case the 60-day time period is tolled for the period of the requested delay, or
  - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.”

**Section 7.** Subsection (F)(3) of Section 9.146.050 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

**“3. Height.**

- a. A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.
- b. A second story or two-story attached ADU may not exceed 35 feet in height.
- c. A detached ADU may not exceed one story.”

**Section 8.** This Ordinance shall take effect 30 days following its adoption.

**Section 9.** The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

**Section 10.** The City Council hereby directs staff to prepare, execute, and file with the Orange County Clerk a Notice of Exemption within five working days of the adoption of this Ordinance.

**Section 11.** If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

**Section 12.** The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at the City Clerk’s Office at 100 Civic Center Drive, Lake Forest, CA 92630.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
SCOTT VOIGTS  
MAYOR

ATTEST:

\_\_\_\_\_  
LISA BERGLUND  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MATTHEW E. RICHARDSON  
CITY ATTORNEY

COUNTY OF ORANGE ) SS  
CITY OF LAKE FOREST )

I, Lisa Berglund, City Clerk of the City of Lake Forest, California do hereby certify that the foregoing Ordinance No. [REDACTED] was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 5<sup>th</sup> day of January 2021 and thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the [REDACTED] day of [REDACTED], 2021, by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
LISA BERGLUND  
CITY CLERK

**EXHIBIT "A"**

ACCESSORY DWELLING UNIT ORDINANCE

(follows this page)

## Section 9.146.050 Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.
  2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
  3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
  4. Required to correct a nonconforming zoning condition, as defined in subsection (C)(9) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
    - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
    - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
  2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
  3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
  4. "Director" means the Director of Community Development.
  5. "Efficiency kitchen" means a kitchen that includes each of the following:
    - a. A cooking facility with appliances.

- b. A food preparation counter or counters that total at least 15 square feet in area.
    - c. Food storage cabinets that total at least 30 cubic feet.
  - 6. “Junior accessory dwelling unit” or “JADU” means a residential unit that:
    - a. is no more than 500 square feet in size,
    - b. is contained entirely within an existing or proposed single-family structure,
    - c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
    - d. includes an efficiency kitchen, as defined in subsection (C)(5) above.
  - 7. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
  - 8. “Multifamily dwelling” means any structure that contains more than one residential dwelling.
  - 9. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
  - 10. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
  - 11. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
  - 12. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
  - 13. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:
- 1. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (E) below (“General ADU and JADU

Requirements”), it is allowed with only a building permit in the following scenarios:

- a. **Converted on Single-family Lot:** ~~Except as set forth in subsection (D)(1)(b) below, only One ADU (as described in this subsection (D)(1)(a) or~~ and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
  - i. Is either: within the space of a proposed or existing single-family dwelling; or within the space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
  - ii. Has exterior access that is independent of that for the single-family dwelling.
  - iii. Has side-and rear-yard setbacks sufficient for safety, as dictated by applicable building and fire codes.
  - iv. The JADU complies with all the requirements of Gov. Code section 65852.22.
- b. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above), if the detached ADU complies with the following limitations:
  - i. The side- and rear-yard setbacks are at least four-feet.
  - ii. The total floor area is 800 square feet or smaller.
  - iii. The overall height above grade is 16 feet or less.
- c. **Converted on Multifamily Lot:** Multiple 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, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed on a lot within an existing multifamily dwelling structure, up to a number equal to 25 percent of the existing multifamily dwelling units.
- d. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling, if each detached ADU satisfies the following limitations:
  - i. The side- and rear-yard setbacks are at least four-feet.

- ii. The total floor area is 800 square feet or smaller.

**2. ADU Permit – Required and Fee.**

- a. Except as allowed under subsection (D)(1) above (“Building-permit Only”), no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (E) (“General ADU and JADU Requirements”) and (F) (“Specific ADU Requirements”) below.
- b. The City may charge a fee to reimburse it for costs incurred in processing an ADU permits, including the costs of adopting or amending the City’s ADU ordinance. The ADU-permit processing fee is determined by the Director and approved by the City Council by resolution.

**3. Process and Timing.**

- a. An ADU permit shall be considered and approved ministerially, without discretionary review or a hearing.
- b. The City must act on building permit applications (submitted under subsection (D)(1) above (“Building-permit Only”)) and applications for an ADU permit within 60 days from the date that the City receives a completed application. If the City does not act upon the completed application within 60 days, the application is deemed approved unless either:
  - i. The applicant requests a delay in writing, in which case the 60-day time period is tolled for the period of the requested delay, or
  - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

**E. General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) (“Building-permit Only”) or (D)(2) above:

**1. Zoning.**

- a. An ADU or JADU subject only to a building permit under subsection (D)(1) above may be created on a lot in any residential or mixed-use zone.
  - b. An ADU or JADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
2. **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
3. **Rental Term.** An ADU or JADU may be rented, but no ADU or JADU may be rented for a term that is shorter than 30 days.
4. **No Separate Conveyance.** No ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings on that lot (in the case of a multifamily lot).
5. **Septic System.** If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application (as required by subsections (D)(1) (“Building-permit Only”) or (D)(2) above) a percolation test completed within the previous five years or, if the percolation test has been recertified, within the previous 10 years.
6. **Owner Occupancy.**
  - a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted.
  - b. An ADU that is permitted after January 1, 2020 but before January 1, 2025, shall not be subject to any owner-occupancy requirement.
  - c. All ADUs permitted on or after January 1, 2025 shall be subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person’s legal domicile and permanent residence.
  - d. All JADUs shall be subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by any governmental agency, land trust, or housing organization.

7. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all current and future owners. The form of the deed restriction shall be provided by the City and shall provide that:
- a. The ADU or JADU may not be sold separately from the primary dwelling.
  - b. The ADU or JADU is restricted to the size authorized by the corresponding building permit and to other attributes allowed by Section 9.146.050.
  - c. The deed restriction runs with the land and may be enforced against all current and future property owners.
  - d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities with a demolition permit. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
  - e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Specific ADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above.

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection (F) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

- b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

**2. Setbacks.**

- a. No part of any ADU subject to this subsection (F) may be located within 25 feet of the front property line.
- b. No part of any ADU subject to this subsection (F) may be located within four feet of a side or rear property line.
- c. No setback is required for an ADU subject to this subsection (F) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

**3. Height.**

- a. A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.
- b. A second story or two-story attached ADU may not exceed 35 feet in height ~~the height of the primary dwelling~~.
- c. A detached ADU may not exceed one story.

**4. Passageway.** No passageway, as defined by subsection (C)(10) (“Passageway”) above, is required for an ADU.

**5. Parking.**

- a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(13) above.
- b. Exceptions. No parking under subsection (F)(5)(a) (“Parking”) is required in the following situations:
  - i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(12) above.
  - ii. The ADU is located within an architecturally and historically significant historic district.
  - iii. The ADU is part of the proposed or existing primary residence or an accessory structure (under subsection (D)(1)(a) (“Converted on a Single-family Lot”)).

- iv. When on-street parking permits are required but not offered to the occupant of the ADU.
- v. When there is an established car share vehicle stop located within one block of the ADU.
- c. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- d. The ADU and primary dwelling must use the same driveway to access the street.
- e. Each unclosed parking space shall be at least nine feet wide and eighteen feet long.
- f. Each parking space that is provided in an enclosed garage shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance.

**6. Architectural Requirements.**

- a. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing the same public-right-of-way as the primary dwelling.
- b. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction.

**7. Notice of Construction**

- a. At least ten business days before starting any construction of a second unit, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information
  - i. Notice that construction has been authorized;
  - ii. The anticipated start and end dates for construction;
  - iii. The hours of construction;
  - iv. Contact information for the project manager (for construction-related complaints); and
  - v. Contact information for the City Building Division.

- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

**G. Fees.**

**1. Impact Fees.**

- a. No impact fee shall be required for an ADU that is less than 750 square feet in size.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

**2. Utility Connection and Fees.**

- a. Converted ADUs and JADUs on a single-family lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.
- b. All ADUs and JADUs not covered by subsection (G)(2)(a) above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the California Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

**H. Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (A) through (G)(2) of this section may be allowed by the City with a use permit, in accordance with Chapter 9.184 of this Code.