



(Date stamp)

Town of Moraga

PLANNING DEPARTMENT

ACCESSORY DWELLING UNIT MINISTERIAL APPLICATION

TOWN STAFF	File Number: _____	Project Name: _____
	Fee/Deposit: _____ Cash/Check/Credit	Deposit Account Number: _____

PROJECT INFORMATION	
PROJECT SITE ADDRESS: _____	
ZONING: _____	APN: _____
PROJECT DESCRIPTION: _____	
TYPE OF ADU: Streamlined: _____ Fully Contained _____ Detached _____ JADU _____ Standard: Attached _____ Detached _____	
USE PERMIT: (Yes/No) _____ - If yes, please also complete Use Permit application.	
DESIGN REVIEW: (Yes/No) _____ - If yes, please also complete Design Review application.	

APPLICANT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

APPLICANT / OWNER AUTHORIZATION
<p>CHOOSE ONE:</p> <p><input type="checkbox"/> I am the property owner and hereby authorize the filing of this application.</p> <p><input type="checkbox"/> I am the applicant and am authorized by the owner to file this application.</p> <p>When the application is submitted, applicants must pay an initial deposit of \$1,800 to cover the costs of processing the application. An applicant is responsible for all charges associated with processing the application. Clear, complete and consistent applications require less staff time and thus are less expensive to process.</p> <p>By signing below the applicant agrees to pay any additional charges that may be incurred beyond the initial application deposit in order to complete the processing of the application.</p> <p>Signature of Applicant/Owner: _____ Date: _____</p>

Indemnification/Reimbursement Agreement

Project Address and description of project ("Project")

As part of the application for the Project, the applicant and/or property owner (collectively "Applicant") agree to defend, indemnify, and hold harmless the Town of Moraga, its agents, officers, council members, employees, boards and commissions from any and all claims, actions or proceedings (collectively "Claims") brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declarations which relate to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the Town of Moraga, its agents, officers, council members, employees, boards, commissions. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The Town of Moraga may, but is not obligated to, defend such Claims as the Town of Moraga, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town of Moraga, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, Town of Moraga, and/or parties initiating or bringing such proceeding. If the Applicant is required to defend the Town of Moraga as set forth above, the Town of Moraga shall retain the right to select the counsel who shall defend the Town of Moraga. Per Government Code Section 66474.9, the Town of Moraga shall promptly notify Applicant of any proceeding and shall cooperate fully in the defense. The Financially Responsible Party acknowledges and agrees that additional deposits may be required while the application is processed, in such amounts and at such times as the Town deems necessary to cover the Town's incurred and projected processing costs including but not limited to environmental studies. Deposit accounts are required to maintain a minimum balance of 20% of the original deposit amount at all times. If your account drops below that threshold, you will be asked to remit the balance due plus the 20% maintenance balance. Failure to maintain your account in this standing will result in a hold placed on the account and work will stop on all project processing until the necessary payment has been remitted. The payment and acceptance of requested deposits does not constitute an approval of permits, entitlements, or authorizations to begin work.

The Financially Responsible Party agrees to be jointly and severally liable with the Property Owner for payment of all fees referenced above. The sale or other disposition of the property does not relieve the Financially Responsible Party of their obligation to maintain a positive balance in the deposit account unless the Town grants prior approval. The Financially Responsible Party agrees to notify the Town in writing prior to any change in ownership or status of any option agreements. The Financially Responsible Party is required to submit a written request for withdrawal of the application or written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Withdrawal or denial of an application does not relieve the Financially Responsible Party of its obligation to pay for costs incurred in connection with this application. The Financially Responsible Party shall be liable for and will pay all costs incurred for the project, up through the date of the written request for application withdrawal or date of approval or denial, whether or not such work is complete and whether or not the costs have previously been billed. Any funds remaining in the account after all associated processing activities have been completed shall be returned to the Financially Responsible Party. I have read and agree with all of the above.

Applicant (please print name)

Applicant signature

Date

Property owner name (if different from the applicant)

Property owner signature (if different from the applicant)

Date

MINISTERIAL ACCESSORY DWELLING UNIT PERMIT APPROVAL PROCESS

An ADU is a fully contained (within an existing building), or an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, cooking and sanitation located on a parcel with an existing primary unit.

- Pre-application: This is a recommended step. Prior to applying for an accessory dwelling unit permit, the applicants should discuss their plans with Town Planning staff and the Contra Costa Building Inspection Division staff to discuss the process and criteria for approval of an accessory dwelling unit.
- Application Submittal: The applicant must complete the Town of Moraga ADU application, the Indemnification/Reimbursement Agreement, submit the application deposit, and provide plans that include all the submittal requirements. When these items are submitted, Town staff will review the materials for completeness and prepare a file.
- Application Review: Within 60 days of submittal of a complete application, the Zoning Administrator will ministerially approve or deny the application without discretionary review or public hearing. An application will be approved if the accessory dwelling unit meets the general requirements and the development and design standards for the type of ADU proposed. The ADU types are listed below along with the specific code sections that apply to them, which have been included in this application beginning on page 6. All ADU's are subject to the general requirements of Moraga Municipal Code (MMC) §8.124.080.
 - Streamlined ADUs:
 - Fully contained ADU within a single family residential unit – subject to the development standards of MMC §8.124.110.A.1
 - Fully contained ADUs within portions of existing multifamily buildings that are not used as livable space – subject to the development standards of MMC §8.124.110.A.2
 - Junior Accessory Dwelling Unit (JADU) – subject to the development standards of MMC §8.124.110.B
 - Detached ADU with a proposed or existing single-family dwelling – subject to the development standards of MMC §8.124.110.C
 - Detached ADUs on a lot that has an existing multifamily building – subject to the development standards of MMC §8.124.110.D
 - Standard attached and detached ADUs – subject to the development standards of MMC §8.124.130 and design standards of MMC §8.124.140.
- Appeal of Decision: The applicant may appeal the decision of the Planning Director in accordance with the provisions of Moraga Municipal Code Chapter 8.12, Article 4. The appeal shall be limited to a consideration of whether the objective criteria of the applicable ADU have been met. The appeal must be filed within 10 days from the date the Planning

Director issues their denial of the application. The appeal will be heard by the Planning Commission.

- Permit Expiration: The accessory dwelling unit permit is valid for 18 months from the date of approval unless a longer period is stated in the permit. If the applicant does not begin the work authorized by the permit by the expiration date, the permit shall expire.
- Prior to Building Permit Issuance:
 - Development impact fees. Please contact the Planning Department for the current development impact fee schedule. Please note that other agencies, such as the East Bay Municipal Utility District, Central Contra Costa Sanitation District, Moraga Orinda Fire District and School District may also impose their own fees. Impact fees collected by the Town are determined as follows:
 - No impact fee is required for an ADU that is less than 750 square feet in floor area.
 - Any impact fee that is required for an ADU that is 750 square feet or larger in floor area must be charged proportionately in relation to the square footage of the primary unit. (E.g., the floor area of ADU divided by the floor area of the primary unit, multiplied by the fee amount charged for a new dwelling.)
 - Deed restriction. A recorded deed restriction which sets forth (1) that the ADU or JADU may not be sold separately from the existing primary unit, (2) in the case of a JADU, that the owner shall occupy either the existing primary unit or the JADU, (3) that neither the existing primary unit, ADU or JADU may be rented for fewer than 30 consecutive days at a time, (4) that these conditions shall be binding upon any successor in ownership of the property and (5) that the Town shall at any time to request and have the owner provide such information deemed necessary by the Town to confirm compliance with these restrictions. An approved deed restriction template is attached to this application.

Submittal Requirements: In addition to the completed ADU application and Indemnification/Reimbursement Agreement, the following materials must be submitted for Planning Director review.

One site plan drawn to scale on sheets of 11" x 17" or larger with a minimum scale of 1" = 30', which must include:

1. A cover sheet which includes a table containing:
 - the square footage of the property,
 - the floor area of the existing residence, garage and accessory buildings,
 - the floor area of the proposed ADU,
 - the square footage of the interior living area of the proposed ADU.
 - area and percentage of lot covered by buildings
 - area and percentage of the total lot coverage by impervious surfaces on the lot
2. General location of property,
2. Dimensioned property boundaries,
3. Existing topography and proposed grading (for property of less than ten (10) acres, a contour interval no greater than five feet and a horizontal map scale of one inch equals fifty (50) feet, or larger, shall be used; for property larger than ten (10) acres, a contour interval no greater than ten (10) and a horizontal map scale of one inch equals one hundred (100) feet, or larger, shall be used),
4. All existing and proposed structures, the height of each structure and the number of dwelling units in each structure,
5. Location and approximate height of all adjacent buildings on abutting sites,
6. Location, dimensions and quantity of existing and proposed off-street parking,
7. Existing and proposed vehicular and pedestrian ways, and trails, with grades, widths and types of improvements,
8. Proposed vehicular access between the site and the public street,
9. Locations, names and widths of abutting streets,
10. Existing and proposed utilities,
12. Location and width of creeks, water courses, drainage easements, and facilities
13. Location of existing trees on the site with a trunk diameter of five inches or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of forty inches or more measured three feet above the natural grade,
14. Locations and heights of existing and proposed retaining walls,
15. Locations and dimensions of trash disposal and recycling areas,
16. Roof overhangs,
17. Distances between buildings and from building walls to property lines,
18. Landscaping plan, showing existing and proposed landscaping, including plant names and sizes and an irrigation plan,

One set of Architectural drawings on sheets of 11" x 17" or larger with a minimum scale of 1/8" = 1', which must include:

1. Floor plans at 1/8" or 1/4" = 1' scale.
2. Four elevations (or more if necessary) to include all sides of development at no less than 1/8" = 1'.,
3. Roof, doors, windows, trim, downspouts, and all other architectural features. Exterior wall, trim, and roofing materials shall be indicated on the plans.
4. Recent photograph of the site itself and of adjacent properties showing the current condition of the properties,

5. Color and texture chips of actual samples of materials

The following general requirements apply to all ADUs and JADUs.

- A. The ADU is not required to provide fire sprinklers if they are not required for the primary unit.
- B. No passageway shall be required in conjunction with construction of an ADU unless mandated by the Americans with Disabilities Act or other state or federal safety code standard.
- C. If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten years.
- D. Prior to issuance of a building permit for an ADU or JADU, a deed restriction shall be recorded against the title of the property as required in Article 5 of this title.
- E. When an ADU is approved with concurrently with a proposed primary unit, final occupancy of the ADU shall not be issued before final occupancy of the primary unit.

8.124.110.-Development Standards for Streamlined ADUs and JADUs

Pursuant to California Government Code Section 65852.2(e), the Town shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of following types of ADUs and JADUs (“Streamlined ADUs and JADUs”) that comply with the general requirements of Section 8.124.080 and the applicable standards described in subsections A through D.

A. Fully contained ADU.

- 1) One fully contained ADU may be established entirely within the building envelope of the primary unit or another pre-existing, legally constructed accessory building located on any lot, if it complies with the following standards:
 - (a) The fully contained ADU shall have an exterior access independent from that of the primary unit. An addition of up to 150 square feet is permitted if the expansion is limited to accommodating ingress and egress. For any fully contained ADU located on a second floor, any stairway, whether enclosed or open, needed to access that second floor ADU must be established entirely within the pre-existing building envelope of the primary unit or pre-existing, legally constructed, building within which the ADU is contained, or may be enclosed within an addition that does not exceed 150 square feet.
 - (b) A pre-existing legally constructed accessory building may be fully or partially converted into a fully contained ADU and no setback shall be required for a pre-existing legally constructed accessory building that is converted (or partially converted) to a fully contained ADU.
- 2) Multiple ADUs within portions of existing multifamily dwelling buildings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each fully contained converted ADU complies with state building standards for dwellings. At least one fully contained converted ADU is allowed within an existing multifamily building or mixed-use

building with existing dwelling units, and multiple fully contained converted ADUs shall be permitted up to 25 percent of the number of existing multifamily dwelling units.

B. A JADU complying with the following standards:

- 1) One JADU is allowed on a lot containing an existing single-family dwelling.
- 2) The owner of a parcel proposed for a JADU shall occupy as a principal residence either the primary unit or the JADU.
- 3) As set forth in Section 8.124.210, neither the JADU nor the primary unit shall be sold independently of each other.
- 4) As set forth in Section 8.124.210, neither the JADU nor the primary unit shall be rented for periods of less than thirty (30) consecutive days.
- 5) A JADU shall have an exterior entry separate from the primary unit to serve the JADU, and must have interior access if the JADU shares sanitary facilities with the primary unit.
- 6) The interior living area of a JADU shall not be larger than 500 square feet in size.
- 7) The JADU shall include an efficiency kitchen, requiring and limited to the following components:
 - (a) A cooking facility with appliance(s); and
 - (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- 8) No additional parking is required beyond that required for the primary unit.

C. One detached ADU, new construction with a proposed or existing single-family dwelling that complies with the following standards:

- 1) The lot on which the ADU is located does not contain another ADU, but may contain a JADU permitted pursuant to Section 8.124.110.B
- 2) Front yard setbacks consistent with the applicable zoning district to the extent such setbacks do not preclude development of an ADU.
- 3) The side and rear setbacks are at least four (4) feet.
- 4) The total interior floor area is not more than 800 square feet.
- 5) The height is 16 feet or less.

D. No more than two ADUs on a lot that has an existing multifamily building with the following standards:

- 1) Front yard setbacks consistent with the applicable zoning district to the extent such setbacks do not preclude development of an ADU.
- 2) The side and rear setbacks are at least four (4) feet.
- 3) The height 16 feet or less.
- 4) The ADUs are detached from the multifamily building.

8.124.130 - Development standards for standard attached and detached ADUs

The following section applies to Standard attached or detached ADUs that do not qualify as a Streamlined ADU. A Standard attached or detached ADU may be established upon any lot containing an existing or proposed primary unit in in any single-family residentially zoned district, planned development districts that allow single-family residential development, study districts, or MOSO or non-MOSO open space districts, if it complies with the following standards, as well as the general standards set forth in Section 8.124.080 and design standards set forth in Section 8.124.140:

- A. Except as set forth in Section 8.124.130(C), a portion of an existing primary unit or a pre-existing legally constructed accessory building (or portion thereof) may be incorporated into an attached or detached ADU only if the side and rear setbacks and building separations are sufficient for fire safety.
- B. Except as set forth in Section 8.124.130(C), any expansion of or addition to either an existing primary unit or a pre-existing legally constructed accessory building to accommodate an attached ADU or detached ADU shall meet all development standards of the zoning district in which it is located.
- C. Notwithstanding any other standard set forth in this Section 8.124.130 no setback shall be required for an existing legally constructed garage that is fully or partially incorporated into an attached or detached ADU.
- D. An attached or detached ADU shall have side and rear setbacks of at least four (4) feet. Front yard setback requirements of the zoning district in which the attached or detached ADU is to be located shall apply.
- E. The maximum aggregate building height for a detached ADU, or for an addition constructed to wholly or partially accommodate an attached ADU, shall not exceed nineteen (19) feet in height as measured between the highest point of the building including the roof and the lowest point of the building at natural grade and shall not exceed sixteen (16) feet in building height within ten (10) feet of the property line. A skirt wall (if any) shall be included in the maximum aggregate building height measurement.
- F. The area within the construction footprint of the attached or detached ADU, including the area required for the unit, associated grading, and outdoor living space, shall not have an average predevelopment slope greater than twenty (20) percent.
- G. The cumulative volume of cut and/or fill for construction of the attached or detached ADU, exclusive of areas for building foundations and footings, shall not exceed 200 cubic yards.
- H. The interior living area of an attached or detached ADU shall be at least one hundred fifty (150) square feet and not more than eight hundred fifty (850) square feet for an ADU with one bedroom or less and up to one thousand (1,000) square feet that is more than one bedroom. The square footage of an attached ADU shall not exceed fifty (50) percent of the pre-existing interior living area of the primary unit, calculated before the addition of the attached ADU. If the existing gross floor area of the lot exceeds the maximum permitted in the Town of Moraga Design Guidelines, Appendix D, Maximum Floor Area Table prior to establishment of an ADU, or if the development of the ADU will result in the total gross floor area exceeding the maximum permitted in the Maximum Floor Area Table, the ADU may have an interior floor area of no more than 800 square feet.
- I. The attached or detached ADU shall have an external access separate from the primary unit, and an attached ADU may also have internal access to the primary unit.

- J. No historic tree shall be removed for the purpose of establishing an ADU. Native or orchard trees may be removed to provide for the location of an ADU, with a requirement that one 15-gallon tree of the same genus and species be planted on site per tree removed. The requirement to replant a native or orchard tree may be waived if the Planning Director determines that there is no appropriate location on site to plant a tree. Trees are defined in Moraga Municipal Code Section 12.12.020.
- K. In addition to parking required for the primary unit, one off-street parking space measuring at least nine feet by nineteen (19) feet and not more than seventeen (17) feet by nineteen (19) feet, which may be open or covered, shall be provided for an attached or detached ADU, subject to the following requirements:
- 1) The parking space for the attached or detached ADU shall be located adjacent to the parking spaces for the primary unit, and shall not be accessed by means of a driveway separate from that which accesses required parking spaces for the primary residence, unless such access is specifically authorized by the Moraga Municipal Code. The size of the existing driveway curb cut shall not be increased, and no new driveway curb cut shall be created. The guest parking spaces required by Moraga Municipal Code Section 8.76.100(C) and (D) are not required for an accessory dwelling unit.
 - 2) The required parking space shall be surfaced with a permeable material that is approved by the Planning Director, except that a pre-existing non-permeable driveway, paved parking area or new or existing covered parking space may be used. The required parking space may be located within required setback areas if it is uncovered. When required parking for the attached or detached ADU, other than tandem parking within an existing driveway, is located within a setback area, the Planning Director may require the parking be screened from off-site views with vegetation not less than thirty-six (36) inches in height above the parking surface.
 - 3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a fully contained, attached or detached ADU or converted to an attached or detached ADU, no replacement parking shall be required for the converted ADU.
 - 4) Notwithstanding any other provisions of this Subsection 8.124.130(L), attached or detached ADUs are exempt from off-street parking space in any of the following circumstances:
 - (a) The attached or detached ADU is located within one-half mile walking distance of a public transit stop.
 - (b) The attached or detached ADU is located within an architecturally and historically significant historic district.
 - (c) When on-street parking permits are required but not offered to the occupant of the attached or detached ADU.
 - (d) When there is a car share vehicle storage space, at which car shares may be picked up and dropped off, located within one block of the attached or detached ADU.
 - (e) Nothing in this section 8.124.130(L) shall be construed as requiring parking to be provided for a streamlined ADU.

8.124.140. – Design standards for Standard attached and detached ADUs

This section sets forth design standards that must be met for the establishment of Standard attached and detached ADUs in addition to the requirement to comply with the general standards set forth in section 8.124.080 and the development standards set forth in Sections 8.124.130. An attached or detached ADU must meet the following design standards:

- A. Exterior colors, materials, architectural and landscape designs of the attached or detached ADU and its appurtenances (e.g. mailboxes) shall be compatible with those of the primary unit.
- B. All exterior lighting shall be directed downward and/or inward toward the property.
- C. Any new retaining walls necessary for the construction of the attached or detached ADU shall be no higher than three feet. If a fence is located within two feet of a retaining wall the combined retaining wall and fence height shall not exceed six feet. There shall be no more than two new retaining walls located within thirty (30) feet of one another in conjunction with the construction of the attached or detached ADU.
- D. Any blank exterior wall proposed as part of the construction of the attached or detached ADU that is without windows and is more than fifteen (15) feet long or one hundred eighty (180) square feet in area, whichever is less, shall have landscaping installed and maintained along the wall which reaches a minimum height of four feet within three years.
- E. Windows on any exterior wall proposed as part of the construction of the attached or detached ADU located within thirty (30) feet of a neighboring residence, where the windows would have sight lines to the neighboring residence, shall have a minimum sill height not less than five feet, six inches above the interior finished floor height. This requirement may be waived by the Planning Director for a window required for egress under the California Building Code.
- F. The aggregate area of new deck(s), balcony(ies) or porch(es) for the attached or detached ADU shall not exceed one hundred and twenty (120) square feet, and no such feature shall have a depth greater than eight feet. No deck, porch or balcony shall have a height more than twenty-four (24) inches above existing grade, measured to the top of the finished floor or deck surface.
- G. Stairways constructed to access an attached or detached ADU with an upper landing floor height of more than six feet from natural grade shall be enclosed, except where all parts of the stairway are located more than thirty (30) feet from a property line or would not be visible from an adjacent property or public street.
- H. The skirt height associated with the construction of the attached or detached ADU shall not exceed four feet.
- I. There shall be a minimum of six feet near-level clearance area from any top or bottom of a slope associated with the construction of the attached or detached ADU. The post-development slope of the near-level clearance area shall not exceed five percent. This requirement is also applicable to split-level lots, with the exception of the primary pad split.

NON-MINISTERIAL ACCESSORY DWELLING UNITS

The purpose of the non-ministerial accessory dwelling unit process is to provide procedures and standards for the review and approval of ADUs that do not meet one or more of the development and/or design standards set forth in Sections 8.124.130 and 8.124.140, respectively. The intent of these procedures is to reasonably allow such units to be established, subject to administrative adjustment or discretionary review, even when they would not qualify for ministerial review and approval pursuant to the requirements of state law, thereby increasing the opportunities for ADUs to be developed in the town. The ministerial timelines do not apply to these ADUs

Administrative Adjustments

The Planning Director may approve a minor adjustment to the development or design standards applicable to an application for an attached or detached ADU, to the extent identified in the Allowable Adjustments table below. Only a maximum of two of the allowable adjustments may be granted for an ADU per lot. A request for more than two adjustments or that exceeds the adjustment limitations identified in Table 8.124-1 shall require an application for a Conditional Use Permit.

Allowable Adjustments

Type of Adjustment Allowed	Maximum Adjustment
1. Height. An increase in the maximum aggregate building height.	10 percent, or two feet, whichever is greater, provided that such height does not exceed that of the existing primary unit.
2. Parking Space Dimensions. A decrease in the minimum dimensions of a required parking space.	Reduction to not less than 8 feet by 18 feet
3. New deck(s), balcony(ies) or porches: Increase in aggregate area.	25 percent increase
4. The nature of the material used for the parking spaces required under Section §8.124.060(B)(13)(b)	A non-permeable surface may be allowed if the applicant presents site-specific civil and geotechnical evidence, satisfactory to the Planning Director and Town Engineer, that the use of a permeable material for the required parking space on the lot would be inappropriate.

Conditional Use Permit: Attached and Detached ADUs that do not comply with the Development Standards of MMC Section §8.124.130 may still be permitted by a Conditional Use Permit subject to Planning Commission approval. The ministerial timelines do not apply in this case. In addition to the Conditional Use Permit findings set forth in MMC Section §8.12.120, the following findings shall be made by the Planning Commission.

- A. There shall be no more than one ADU or JADU per lot.
- B. The area within the development footprint of the proposed ADU, including the area required for the unit, associated grading, and outdoor living space, will not have an average predevelopment slope greater than twenty percent (20%).

- C. The interior living area of an attached or detached ADU shall be at least one hundred fifty (150) square feet and not more than eight hundred fifty (850) square feet for an ADU with one bedroom or less and up to one thousand (1,000) square feet that is more than one bedroom.
- D. The square footage of an attached ADU shall not exceed fifty percent (50%) of the pre-existing interior living area of the existing primary unit, calculated before the addition of the attached ADU, subject to the authority of the reviewing body to apply a more restrictive standard where it is deemed appropriate to do so.
- E. The ADU will comply with all of the required setbacks of the applicable zoning district.
- F. The owner of the property upon which the ADU is located will occupy either the primary unit or the ADU, unless the applicant establishes by substantial evidence to the satisfaction of the Planning Director that strict application of the requirement on a temporary basis would constitute a hardship warranting an exemption to this requirement.
- G. At least one dedicated off-street parking space for the ADU, which may be covered, uncovered, or provided as tandem parking, will be provided, except that no off-street parking space is required when one of the circumstances described in Section 8.124.130(L)(4) would apply,
- H. The ADU complies to the extent practicable with the standards set forth in Sections 8.124.130 and 8.124.140.
- I. Provisions have been made for a deed restriction as provided in Article 5 of this Chapter to be recorded against the property.

Design Review Permit: An attached or detached ADU that does not comply with the design standards set forth in Section 8.124.140 shall be reviewed pursuant to the procedures, and approved or denied pursuant to the standards, set forth in Moraga Municipal Code Chapter 8.72, the Planning Commission shall be the review body for design review approval following the procedure for review specified in Section 8.72.030(D) or Section 8.72.090, as applicable.

Attachment:

1. Recordable Deed Restriction Template

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN
TO:

Town of Moraga
329 Rheem Blvd.
Moraga, CA 94556
Attention: Town Clerk

Space Above Reserved for Recorder's Use Only

DEED RESTRICTION FOR ACCESSORY DWELLING UNIT

Property Owner, _____
("Property Owner") is the present owner of that certain real property located in the Town of Moraga, County of Contra Costa, State of California, which is more particularly described in EXHIBIT A attached hereto and incorporated by this reference ("Property"). Property Owner has applied for and received approval to construct and develop an Accessory Dwelling Unit (as defined in Moraga Municipal Code section 8.124.020) on the Property. Sections 8.124.080(D) and 8.124.200 et seq. of Chapter 8.124 of Title 8 (Planning and Zoning) of the Moraga Municipal Code sets forth certain conditions on the construction and/or conversion, occupancy and use of Accessory Dwelling Units, and requires the recordation of a deed restriction prior to issuance of a building permit. Therefore, Property Owner now desires to execute and have recorded this Deed Restriction for Accessory Dwelling Unit in accordance with the MMC.

1. No Separate Sale. The Accessory Dwelling Unit shall not be sold independently from the single-family residence (also referred to herein as the "Existing Primary Unit") on the Property and the lot may not be subdivided so as to create separate legal lots for the Existing Primary Unit and the Accessory Dwelling Unit.

2. Short-Term Rentals Prohibited. Neither the Accessory Dwelling Unit nor the Existing Primary Unit shall be rented to the same party for fewer than 30 consecutive days at a time.

3. Binding on Successors. The restrictions herein shall be binding upon any successor in ownership of the property, who shall be subject to all obligations of Property Owner. Lack of compliance may result in legal action against the Property Owner or its successor.

4. Proof of Compliance. The Town of Moraga shall have the right at any time to request and have the Property Owner provide such information deemed necessary

by the Town to confirm compliance with the restrictions set forth in Moraga Municipal Code Chapter 8.124.

By signing this Deed Restriction, the Property Owner acknowledges the obligations and restrictions contained herein and the regulations contained in Moraga Municipal Code Chapter 8.124 relating to Accessory Dwelling Units.

Property Owner

Print name as is appears on the property deed

Property Owner

Print name as it appears on the property deed

Approved by Town of Moraga,
a municipal corporation

By: _____

Print name and title

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____

County of _____

On the _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

Name: _____
(Typed or Printed) (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____

County of _____

On the _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

Name: _____
(Typed or Printed) (Seal)

EXHIBIT A
Legal Description of the Property