



TOWN OF MORAGA

PLANNING DEPARTMENT ACCESSORY DWELLING UNIT SUPPLEMENTAL APPLICATION

ACCESSORY DWELLING UNIT (ADU) TYPE: (SUPPLEMENT TO STANDARD APPLICATION)

Streamlined: Fully Contained _____ Detached _____ JADU _____

Standard: Attached _____ Detached _____ PADU _____

USE PERMIT: (Yes/No) _____ - If yes, please also complete Use Permit application.

DESIGN REVIEW: (Yes/No) _____ - If yes, please also complete Design Review application.

VARIANCE: (Yes/No) _____ - If yes, please also complete Variance application.

If the ADU requires a use permit, design review or variance it does not qualify for the ministerial review process.

MINISTERIAL ACCESSORY DWELLING UNIT PERMIT APPROVAL PROCESS

An Accessory Dwelling Unit (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, complete the ADU survey, 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 12 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:

A. General.

1. Completed Standard Planning Application.
2. Completed Indemnification/Reimbursement Agreement.
3. Completed ADU Supplemental Application.
4. Appropriate fee or deposit (cash, check, credit card).
5. Deposit (cash, check, credit card). Please have check payable to the Town of Moraga.
6. Minimum 11"x17" plans and an electronic copy in PDF format. Electronic plans can be sent by email or Dropbox link to planning@moraga.ca.us
7. A preliminary title report may be required by the project planner. The report shall be no more than six months old, listing all recorded easements and restrictions and providing a legal description of the property.
8. Voluntary Architectural Plan Release Authorization (Recommended, but optional), and/or submit a "massing diagram" that displays the three-dimensional building form and describes the general profile, bulk setbacks, and size of the building, but is not required to contain specific architectural detail.

B. Site Plan.

1. North arrow.
2. Drawing scale.
3. Dimensioned property lines and all building setbacks.
4. Footprints of existing and proposed buildings, structures (new buildings, structures, additions should have cross-hatching/shading or other notation to differentiate them from existing buildings and structures).
5. Existing and proposed setbacks.
6. Building envelopes (Examples include Open Space properties and Planned Developments).
7. Demolition plan for portions of buildings or structures to be removed from the property.
8. Roof overhangs/eave lines.
9. Indicate the number of stories of existing buildings on adjacent lots.
10. Existing and proposed exterior lighting.
11. Location of existing and proposed improvements labeled accordingly (i.e. paved patios, swimming pools and accessory buildings).
12. Location of exterior air conditioning units or other mechanical equipment that generate noise.
13. Location of walks and access driveways for circulation of pedestrians and vehicles.
14. Adjacent streets and location of curb and sidewalk improvements.
15. Dimensions and number of existing and proposed off-street parking spaces.
16. A table containing the following information:
 - a. Total lot area of the project site, both net and gross. (in sq.ft.).

- b. Total existing Gross Floor Area of home, including all living areas, garages, carports and accessory buildings (Do not include covered porches, or accessory buildings less than 400 sq.ft.).
 - c. Total Gross Floor Area of proposed additions to home, garage, carport or accessory buildings.
 - d. Total Gross Floor Area of home including the garage, carport, accessory buildings and the proposed addition(s).
 - e. Existing and proposed area and percentage of lot covered by buildings.
 - f. The existing and proposed area and percentage of the total lot coverage by impervious surfaces.
 - g. An itemized calculation of existing and proposed impervious surface area on the project site (including area of all roofs and paved surfaces).
 - h. Tabulation citing how the project meets all applicable objective standards, including minimum parking; minimum front, side and rear yard setbacks; maximum lot coverage; maximum number of stories; maximum building height; and maximum aggregate building height.
 - i. For properties with an average pre-development slope of 20% or greater, existing and proposed topographic contours (with minimum contour intervals of 2 feet), for land within 20 feet of any proposed site improvements or drainage facilities.
 - j. Indicate the zoning of the parcel and if applicable, the location of any Moraga Open Space Ordinance Ridgelines, Ridgeline Buffers, Scenic Corridors, and Scenic corridor Buffers.
 - k. Indicate whether the parcel is within a High or Very High Fire Severity Zone.
 - l. If one or more new residential units are proposed, the site plan shall label the type of unit.
17. Show the total existing and proposed impervious surface area on the project site, including the area of all roofs and hardscape surfaces. This information is required to determine compliance with the latest edition of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook available at www.cccleanwater.org.
- a. If your project creates or replaces impervious surface area exceeding 10,000 sq. ft., or if your project involves auto service facilities, retail gasoline outlets (gas stations), restaurants, and uncovered parking lots, that create or replace impervious area exceeding 5,000 sq. ft., then you will be required to submit a Storm Water Control Plan in accordance with Chapter 2 of the C.3 Guidebook. The project engineer shall also show sufficient area of the site reserved to satisfy the treatment and/or detention requirements described in Chapter 3 of the C.3 Guidebook.
 - b. Smaller projects that create or replace a minimum of 2,500 sq. ft. will need to comply with the Best Management Practices (BMPs) required under the Town's NPEDS Permit. This includes but is not limited to disconnecting all roof drains and designing surface drains for new impervious surfaces to be routed through a biofilter, sand filter, or planted vegetated swale for ten or more feet prior to entering any storm drainage pipe or tight line drainage system.

18. Location and depth of subdrains (if any), particularly important for new swimming pools.
19. Existing and proposed public and private easements.
20. Location and width of creeks, water courses, drainage easements, and drainage facilities.
21. Location of natural features.
22. Existing and proposed landscaping (identify trees to be removed or relocated – full landscaping details may be on separate landscaping plan).
23. Location, type and height of existing and proposed retaining walls and fences. Show the location of all existing native trees and trees with a trunk diameter of 5" or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of 40 inches or more measured three feet above natural grade. Also, label the species or common name of the tree and trunk diameter, and indicate the status (to be removed, relocated, or retained).
24. Location and dimension of trash/recycling/compost disposal area.
25. Existing and proposed recreational facilities.

C. Building Elevations.

1. Drawing scale minimum of one-eighth inch equals one foot.
2. Existing and Proposed Elevations for all sides affected by improvements.
3. All proposed exterior elevations showing existing and proposed exterior walls, roof, architectural features, doors, windows, trim, down spouts, exterior wall, exterior lighting, and roofing materials.
4. Indicate a material schedule with colors and materials for all exterior walls, glass, trim, and roofing.
5. Indicate both existing and finished grade.
6. Provide color and materials palette if colors or materials are being changed from existing colors.
7. Dimensioned maximum height of building and aggregate building height.
8. BUILDING HEIGHT – the vertical distance measured between any point of the roof or parapet walls and the existing grade or approved modified grade directly beneath.
9. AGGREGATE BUILDING HEIGHT – the vertical distance measured from the highest point of the roof or parapet wall to the lowest point of the foundation at the approved grade.
10. Indicate maximum allowable building height as measured from existing grade.
11. All changes or additions to existing structures shall be clouded, hatched, or otherwise highlighted and noted on the drawing revision.
12. Show existing and proposed conditions with two separate elevation view drawings, done at the same scale, for each building elevation to be modified by the addition.
13. Include retaining wall and fence elevations/profiles, indicating heights, colors, and materials, if retaining wall and fence are part of the project.
14. Photos of the existing site and structures.
15. Photo or Visual Analysis to include renderings of the project from public streets as well as other appropriate perspectives.
16. Materials and Colors Board: 8.5" x 11" board size and 3/4" maximum thickness, with a colored elevation of the proposal and referencing the color chips and manufacturers' specifications of the following:

- a. Body/Siding
- b. Trim
- c. Windows
- d. Roof
- e. Exterior light fixtures
- f. Fences
- g. Walls and retaining walls
- h. Hardscape

D. Floor Plans.

1. Drawing scale minimum of one-eighth inch equals one foot.
2. Show all existing and proposed rooms and label their use (including basements, attics, detached accessory structures, etc.), provide the dimensions of each room and indicate their size in sq.ft.
3. Show all doors, windows, bay windows, chimneys, stairways, etc.
4. Show all existing and proposed decks, balconies, porches, garages/carports, etc., and label their use.
5. Indicate all areas to be demolished with proposed walls and existing walls clearly indicated.
6. Indicate all exterior dimensions.
7. Indicate the limits of the floor above and the floor below on multi-level structures.
8. Show total living area of each residential unit, including:
 - The area of any portion of a room with a ceiling higher than 15 feet.
 - The area of any attic space with a clear height of 7 feet above the floor.
9. The area of any accessory building that is greater than 400 sq.ft..

E. Roof Plan.

1. Drawn to the same scale, and superimposed over, the grading plan (or the site plan if a grading plan is not required).
2. Note elevation of each roof ridge above established data.
3. Note the pitch of the roof(s).
4. Indicate all changes or additions to existing structures with ballooning, hatching, or by otherwise highlighting.

F. Landscaping Plans. (If applicable)

1. Topography - show existing topography with a light line weight and proposed topography with a darker or heavier line weight.
2. Existing trees - show all trees with a trunk diameter of 5" or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of forty (40) inches or more measured three feet above natural grade and label:
 - a. Tree species
 - b. Diameter of trunk
 - c. Elevation at trunk base
 - d. Field surveyed accurate driplines (generic symbols are not accepted)
 - e. Tree identification number, provided by the arborist.

- f. Trees proposed to be removed with a prominent "X"
3. Plant list table – list proposed planting as follows: (See [Appendix B of the Town of Moraga Design Guidelines](#) for a list of Town recommended planting palettes)
 - a. Trees – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town’s Design Guidelines.
 - b. Shrubs – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town’s Design Guidelines.
 - c. Groundcover – schedule of species (common and botanical name), quantity, size to be planted, whether the species is native, invasive/noninvasive, drought tolerant, fire resistant and is it a plant material recommended in Appendix B of the Town’s Design Guidelines.
4. Irrigation - submit a preliminary plan showing:
 - a. Watering zones (drip/spray) with corresponding legend and table.
5. Landscape lighting:
 - a. List and label existing and proposed lighting.
 - b. Provide a legend and indicate quantity of each lighting type.
 - c. Lighting specifications for each proposed lighting type.
6. Total landscaped area (sq. ft) – all planting areas, turf, and water features

G. Model Water Efficient Landscape Ordinance (MWEL)

Pursuant to MMC§8.178.040: “New Construction with a landscape area greater than 500 sq.ft., or rehabilitating an existing landscape with a total landscape area greater than 2,500 sq.ft.” are subject to the requirements and standards of MWEL. Projects with only minor alterations to existing landscaping may include the landscape plan as part of the site plan. Projects with no new landscaping planned may include a “no new landscaping proposed” notation on the site plan.

1. Drawn at the same scale as the site plan.
2. Include a north arrow, legend, and scale.
3. Include vegetation key with the following information for both existing and proposed landscaping:
 - a. Species
 - b. Common Name
 - c. Number
 - d. Size
 - e. Method of Irrigation
4. Provide the total square footage of irrigated area.

- H. Grading and drainage plans.** (If applicable) – Projects that require a grading permit under Moraga Municipal Code §14.04.031 shall use the grading permit application submittal checklist.
1. Note on plans if there are no drainage improvements proposed.
 2. All items listed under Site Plan.
 3. Topographic contours of existing and proposed ground surface based on a topographic survey (survey preparation by a licensed surveyor may be required.)
 4. Existing and proposed surface and subsurface drainage facilities and watercourses including but not limited to creeks, swales, drainage ditches, discharge facilities, dissipaters, catch basins, and subsurface drainage pipes. Also indicate septic tanks, with, or as part of, or subsequent to the proposed work.
 5. Areas subject to inundation or ponding. (Note if there are none.)
 6. Detail methods proposed to intercept and carry off surface and subsurface water.
 7. Include details of engineered treatment at discharge points and pipe specifications (size, material, etc.).
 8. Drainage across interior lot lines creating cross-lot drainage is not permitted nor changes in the drainage pattern which alter or increase the quantity which discharges to adjoining properties.
 9. Hydrologic calculations and plans stamped by a California licensed professional are required for new homes or additions of 1,500 sq.ft. or more.
 10. Erosion control plan.
- I. Geotechnical or soils report.** Typically required for new residential projects, new commercial projects, subdivisions, Hillside Development Permits, Grading Permits or if deemed necessary by the Planning Department due to the specifics of the project. For Hillside Development and Grading Permits, see Geological and Soil Report requirements in those applications.
1. The report must be prepared and signed by an engineering geologist or soil engineer.
 2. The required reports must be based on the latest grading plan for the subdivision and must reference the date of that grading plan.
 3. The format for the required geotechnical reports should include the following information:
 - a. A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition warranting further evaluation within or immediately adjoining the subject property.
 - b. Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas.
 - c. Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site.
 - d. Recommendations for construction procedures to mitigate potentially hazardous conditions, if warranted.
- J. Additional Documents.** (Applicable based on the specifics of the project)
1. A boundary survey (wet stamped and signed) may be required for projects that propose development near to property lines, setback lines, easements, or where the location of these are unknown or in dispute, or where accurate topographic information is required. The survey shall include the following.
 - a. All property lines.
 - b. Building footprint of all structures with dimensions to property line.

- c. Easements, fully dimensioned, as reflected on a current title report including: 1) All public and private roads (labeled accordingly); 2) Rights-of-way; and 3) Easements, within and to the parcel.
 - d. Street improvements - (curb, gutter, sidewalk, edge of paving.)
 - e. Topography – (2' contour intervals in area to be developed.)
 - f. Drainage features including: 1) Swales; 2) Creeks (with required creek setbacks shown in both plan and sectional view); 3) Wetlands; and 4) Riparian habitat.
 - g. Trees - show all trees with a trunk diameter of 5" or more measured three feet above natural grade or, if having multiple trunks, a total perimeter of forty (40) inches or more measured three feet above natural grade within 100 feet of proposed development, with the following labeled: 1) Tree species; 2) Diameter of trunk; 3) Elevation at trunk base; 4) Field surveyed accurate driplines (generic symbols are not accepted); 5) Tree identification number, provided by the arborist; and 6) Trees proposed to be removed with a prominent "X."
2. An arborist report may be required when trees are proposed for removal or may be impacted by the project, such as work near or within driplines. The report should include; 1) Tree location(s), genus, species, diameter, dripline, and elevation at trunk base; 2) Health and condition of the tree(s), including existing hazards to the tree; 3) Potential impact of development on the tree(s) or existing tree(s) condition; 4) Evaluation of preservation potential based on the tree's existing condition and in relation to any potential development; Recommendations for protection, preservation, and requirements to maintain and improve tree health and assure survival; 5) Tree inventory table listing the tree number (as numerically tagged in the field), species, trunk diameter, health of tree, potential impact of proposal, and indicate whether tree is to be saved or removed 6) Site plan showing: numbered trees, accurate driplines, and proposed location of tree protection fencing; 7) Photos as applicable; and 8) Post construction recommendations as applicable.
 3. A biological survey when a project is proposed within a sensitive habitat area, such as a riparian environment, oak woodland, or within a substantially undisturbed natural area.

Requirements, Development and Design Standards

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. ADU Deed Restriction Template
2. JADU Deed Restriction Template
3. ADU Survey

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

Date

Property Owner

Print name as it appears on the property deed

Date

Approved by Town of Moraga,
a municipal corporation

By: _____

Print name and title

Date

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)

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 JUNIOR 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 a Junior 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 Junior 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 Junior Accessory Dwelling Unit in accordance with the MMC.

1. No Separate Sale. The Junior 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 Junior Accessory Dwelling Unit.

2. Property Owner Occupancy Requirement. The Property Owner shall occupy as a principal residence either the Existing Primary Unit, or the Junior Accessory Dwelling Unit, unless the Property Owner 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. The Junior Accessory Dwelling Unit shall be considered legal only so long as either the Existing Primary Unit or the Junior Accessory Dwelling Unit is occupied by an owner of record, or the owner has received an approved hardship exemption.

2. Short-Term Rentals Prohibited. Neither the Junior 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

Date

Approved by Town of Moraga,
a municipal corporation

By: _____

Print name and title

Date

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



TOWN OF MORAGA

Planning Department

329 Rheem Boulevard – Moraga, CA 94556
(925) 888-7040 – planning@moraga.ca.us – www.moraga.ca.us

ADU SURVEY

The Town of Moraga requires that homeowners complete a brief survey as part of the Accessory Dwelling Unit (ADU) application process. Please follow the link below to complete your survey.

The Town's Housing Element implements a program, Program 18, for tracking the anticipated use and rental rate for proposed ADUs. The purpose of this survey is to help the Town understand how ADUs are being used and respond to state requests for data about ADU rents. If you do not yet know the answer to a specific question (like how much rent you plan to charge), provide your best estimate based on what you know now.

The survey does ask for your email address, and all demographic questions are optional. Paper Surveys are optional without email.

To complete the survey, please go to:
bit.ly/ADUHomeownerSurvey



After completing the online survey, you will receive an email confirmation you can use as proof of your completion.



Questions? Please contact:

Planning Department

925-888-7042 – planning@moraga.ca.us

The survey is hosted by The Association of Bay Area Governments (ABAG). Please note that ABAG may be required by law to disclose the responses to a survey, including a survey respondent's email address.

ADU Survey Questions

1. County
2. City or Community
3. What type of ADU are you building?
Attached ADU (new construction); Detached ADU (new construction); Garage conversion; Interior conversion (renovation); Junior ADU
4. Select all the following design options that apply to your ADU:
Custom design; Pre-approved design plans; Modular/prefabricated/manufactured
5. What has been the most difficult part of the ADU permit process?
Understanding the design requirements; Understanding the permit requirements; Working with city staff; Working with the design team
6. Do you plan to initially use the ADU as housing?
7. Who do you expect to live in the ADU?
8. How many square feet will your ADU have? (estimates are ok)
9. How many bedrooms will it have?
10. What do you expect the approximate monthly rent to be?
11. Which utilities will the tenant pay for (in full or in part)?
12. Are you in a city/town/county that requires you to fill out this survey?
13. Homeowner Email.
14. Do you want to answer optional demographic questions?

Optional demographic questions

15. **What is the age of the head of your household?**
[Under 45; 45-64; 65+; Decline to state]
16. **What is the race of the head of your household?**
[Asian; Black/African American; Latino/Hispanic; White; Another race; Decline to state]
17. **If another race was selected above, please specify.**
18. **What is the primary language spoken in your home?**
[English; Spanish; Chinese; Another language; Decline to state]
19. **If another language was selected above, please specify.**
20. **What is the number of people who live in your household?**
[0, 1, 2, 3, 4, 5 or more, Decline to state]
21. **What is your household income?**
[Under \$75,000; \$75,000-\$99,999; \$100,000-\$149,000; \$150,000-\$199,999; \$200,000 or more; Decline to state]