



Planning & Building Department
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<http://www.ci.lafayette.ca.us>

APPLICATION FOR ACCESSORY DWELLING UNIT PERMIT

Summary

On April 27, 2020, the City Council Adopted Ordinance 678, which updated Lafayette's regulations surrounding Accessory Dwelling Units (ADUs) to comply with recent changes in California state law. The intention behind the updates included in the new code are to simplify ADU design to streamline application review and approval. The Zoning Administrator shall approve an ADU permit for a Class C ADU that complies with the General Requirements in Section 6-563, and all the specific requirements included in the ADU Ordinance. The full Ordinance is included in this packet and may be found on the City's website at www.lovelafayette.org/planning > [Handouts](#) > [Accessory Dwelling Units](#).

The City has defined three classes of ADUs: Class A, Class B, and Class C. *This application is only required for Class C ADUs.* Class C ADUs are all ADUs that cannot be categorized as Class A or Class B ADUs, as defined below. Class C ADUs require both a building permit from the County Building Department and an ADU permit from the City. Classes A and B are approved for building permits over the counter without public hearings or discretionary review so long as the design meets the General Requirements included in the ordinance.

Class A ADUs

1. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might be established on the lot), if the detached ADU satisfies all of the following limitations:
 - a. The side- and rear-yard setbacks are at least four-feet.
 - b. The total floor area is 800 square feet or smaller.
 - c. The height is 16 feet or less.
2. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies all of the following limitations:
 - a. The side- and rear-yard setbacks are at least four-feet.
 - b. The height is 16 feet or less.

Class B ADUs

1. Converted on Single-family Lot: One ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an existing accessory building, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
 - b. Has exterior access that is independent of that for the single-family dwelling; and

- c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
2. Converted on Multifamily Lot: 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 converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling buildings, and multiple converted ADUs shall be permitted up to 25 percent of the number of existing multifamily dwelling units.



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INSTRUCTIONS TO APPLICANTS

GENERAL

A permit is required to establish a Class C accessory dwelling unit in a single-family or multi-family residential zoning district if the development does not meet the criteria of §6-560(d) of the Lafayette Municipal Code. An accessory dwelling unit (ADU) is defined as an attached or detached residential dwelling unit which provides complete independent facilities for living, sleeping, eating, cooking, and sanitation for one or more persons.

PROCEDURES

Pre-application: Prior to submitting an application for an accessory dwelling unit permit, the applicants should discuss their plans with Planning & Building Department staff to discuss the process and criteria for approval of an accessory dwelling unit.

Filing the Application: The applicant should carefully complete the attached application and be sure that all submittal requirements and all applicable fees are provided, which may include the Accessory Dwelling Unit application fee and Address Assignment fee. The application must be signed by the current property owner. A staff planner will check the application for completeness and prepare a file.

Permit Process: Within 60 days of deeming an application complete, 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 provisions and the development standards under the heading "*Application for Accessory dwelling unit Permit – Submittal Requirements*".

Appeal of Decision: Approval of an application for an accessory dwelling unit is ministerial without discretionary review or public hearing as long as the accessory dwelling unit meets the general provisions and the development standards contained in the ordinance. However, other applications that may accompany an accessory dwelling unit application, such as a tree removal permit, are discretionary. The processes for appealing a decision on a stand-alone accessory dwelling unit application (ministerial) and one which involves additional requests (public hearings) are provided below:

- An aggrieved person may appeal a decision to deny an ADU or JADU to the city manager. The appeal shall be in writing, filed with the planning director, and shall specifically set forth the

decision appealed from and the grounds for the appeal. The appeal shall be filed within 14 days of the action to deny the ADU or JADU.

- The city manager shall review the appeal without a public hearing within 30 days of receipt of the written appeal. The city manager shall limit his or her consideration of the appeal to whether the ADU meets the general provisions in Section 6-563, and development standards in one of the following.

Deed Restriction: Prior to the issuance of a building permit for an accessory dwelling unit, the property owner must provide written proof to the Zoning Administrator that a covenant setting forth the following requirements has been recorded in the office of the Contra Costa County Recorder.

- A. The accessory dwelling unit shall not be sold separately;
- B. The ADU and/or JADU is restricted to the approved size and to other attributes allowed in the City's accessory dwelling unit ordinance (Ordinance No. 676);
- C. The deed restriction runs with the land and may be enforced against future property owners;
- D. The deed restriction may be removed if the owner eliminates the ADU or JADU per section 6-560(e)(8)(D);
- E. The ADU and/or JADU may not be rented for a term shorter than 30 days;
- F. For JADU only: The owner of the property must reside in either the JADU or in the primary dwelling on the lot as the owner's primary personal residence and legal domicile;

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.



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APPLICATION FOR ACCESSORY DWELLING UNIT PERMIT
SUBMITTAL REQUIREMENTS CHECKLIST

The following is a list of minimum submittal requirements. Additional materials may be required at the discretion of the Planning staff. For all accessory dwelling unit permit applications, one (1) reduced set of plans (11" x 17") and one (1) electronic (PDF) set of plans by email or Dropbox (sent to planner@lovelafayette.org) shall be submitted for initial review unless otherwise specified in this checklist or by staff.

Once Planning Staff has reviewed the plans (within 30 days), the applicant will be notified of any necessary alterations to the plans, any additional submittals required, and the number and size of plans required for the review process. All plans shall be clearly and legibly drawn to scale (not less than 1" = 30'). Text and line work shall be clear and visible.

All plan sheets shall have a north arrow, scale, graphic (bar) scale, name of the project owner/proponent and name of the engineer, architect, or owner's representative, site address, and assessor's parcel number. All plans shall be dated; all revised plans shall include revision date and revised portions shall be clearly identified.

PART I – GENERAL PROVISIONS

Part I contains a list of the general provisions for accessory dwelling units. Check each box affirming that your proposed accessory dwelling unit meets these required general provisions. If your proposed accessory dwelling unit does not meet all provisions, then it may not be able to be approved.

YES N/A

- 1. An accessory dwelling unit can be 1) attached or detached from the primary unit, 2) the conversion of an existing living area within the primary unit, or 3) a conversion of an existing garage. An attached accessory dwelling unit would be one that is connected to the primary unit by common wall construction and under the same existing or new roof structure.
- 2. An accessory dwelling unit shall be accessory to the primary unit by being a smaller size and in a less visible location.

YES N/A

3. An owner of a property with a primary unit shall occupy either the primary unit or accessory dwelling unit as their primary residence. An owner may be absent from the primary or accessory dwelling unit for up to 12 consecutive months for health, family, employment or military reasons.

4. An accessory dwelling unit is not intended for sale, but may be rented for no less than 30 days. An accessory dwelling unit shall not be allowed where streets, public utilities and other public services are inadequate to serve the unit.

5. An accessory dwelling unit shall comply with all current building, health and safety codes.

6. When an accessory dwelling unit is within the hillside overlay district, the accessory dwelling unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.

7. An accessory dwelling unit may not be located within 400 feet of the centerline of a class I ridge.

8. An accessory dwelling unit may not be located within 250 feet of the centerline of a class II ridge.

9. No portion of an accessory dwelling unit may be erected adjacent to a class I or class II ridge that is higher than a plane sloping downward at a declination of 15 degrees from the horizontal intercept of the ridge.

10. No portion of an accessory dwelling unit may be erected adjacent to a class III ridge that is higher than a horizontal plane that intercepts the ridge.

11. If new or altered construction is proposed as part of the accessory dwelling unit for a property located in the Hillside Overlay District then approval of a hillside development permit for the new or altered construction is required prior to a decision being made on the accessory dwelling unit application.

12. If a protected tree permit is requested, the application for the accessory dwelling unit shall not be considered until a decision is made on the protected tree application.

PART II – DEVELOPMENT STANDARDS

Part II contains a list of the development standards by which all accessory dwelling units are judged. Check each box affirming that your proposed accessory dwelling unit meets these required development standards. If your proposed accessory dwelling unit does not meet them, then it will not be approved.

YES NO

1. Maximum unit size. The floor area of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet . If an attached accessory dwelling unit is incorporated into the existing floor area of the primary unit, the floor area of the ADU shall not exceed 50% of the floor area of the existing primary dwelling unit.
4. The height of an accessory dwelling unit in a single family zoning district shall not exceed 17 feet in height or the maximum height of the primary unit, whichever is less.
5. The height of an accessory dwelling unit in other than a single family zoning district shall not exceed the height of the primary unit or the maximum height of the zoning district in which the primary unit is located, whichever is less.
6. The setback of an accessory dwelling unit shall meet the following requirements for each zoning district:
- i. R-6, R-10, R-12, R-15, D-1, M-R-A, M-R-B, M-R-O districts: at least 20 feet; on corner lots the principal frontage shall have a setback of at least 20 feet and the other setback shall be at least 4 feet.
 - ii. R-20, R-40, R-65 districts: at least 25 feet; on corner lots the principal frontage shall have a setback of at least 25 feet and the other setback shall be at least 4 feet.
 - iii. R-100 district: at least 30 feet; on corner lots, the principal frontage shall have a setback of at least 30 feet and the other setback shall be at least 4 feet.
 - iv. L-R-5 and L-R-10 districts: a minimum of 50 feet.
 - v. RB, C, SRB, C-1, PHC districts: 50 feet on the ground floor from frontages.
7. The side yards and rear yard of an accessory dwelling unit shall be no less than 4 feet.
8. An accessory dwelling unit shall have no more than two bedrooms.
9. The exterior design of an accessory dwelling unit shall substantially incorporate the same exterior design of the primary unit in terms of architectural style, architectural features, building materials and colors.
10. The entrance to an accessory dwelling unit shall not be located on the same side as the entrance to the primary unit. If an accessory dwelling unit is accessed by an outside stairway, the stairway shall not be on the same side as the entrance to the primary unit.

- 11. An accessory dwelling unit shall provide one off-street parking space per bedroom in addition to the number of parking spaces required for the primary unit, unless exceptions are applicable under Chapter 6-560. A parking space shall be at least 10 feet by 20 feet, and may be open, covered or tandem.

- 12. An accessory dwelling unit shall be designed so that its exterior windows, decks and doors do not overlook directly the exterior or interior living areas of adjoining properties. A detached accessory dwelling unit shall be at least as close to the primary residence as it is to a primary unit or accessory dwelling unit on an adjacent property.

- 13. The subject property shall be accessible by emergency vehicles. Road access to the parcel shall be adequate. Consideration of adequate road access shall include road width, especially for passing purposes, sight distance and existing and potential traffic volume. The off-street parking for an accessory dwelling unit shall be accessed by the primary unit's existing curb cut(s).

- 14. When an accessory dwelling unit is within the hillside overlay district (H-O-D), the accessory dwelling unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.

- 15. A proposed accessory dwelling unit on property with a protected tree shall be required to obtain a tree permit and shall comply with the provisions of Chapter 6-17, Tree Protection, of the Lafayette Municipal Code.

- 16. When a primary unit's existing garage is proposed for conversion to an accessory dwelling unit, the required parking for the primary unit shall be satisfied elsewhere on the property.

PART III - GENERAL SUBMITTAL REQUIREMENTS

Check each box affirming submittal of the required item(s). The application will not be accepted for processing unless all pertinent information listed in this checklist is provided. The reason for the absence of any required items must be explained in the column "reason for non-submittal." The Planning & Building Department Manager must be satisfied as to the reason for non-submittal or the application will not be accepted.

REASON FOR NON-SUBMITTAL

- 1. Application form completed and signed by the current property owner.
- 2. Completed and signed Agreement to Pay for City Services.
- 3. Required application fee payable to CITY OF LAFAYETTE.
- 4. Context Map (minimum 1" = 50' scale) showing:
 - Property ownership.
 - Label and note the distance to structures on adjacent lots and identify any significant landscaping that may provide screening of views of the proposed accessory dwelling unit.
 - Indicate the approximate elevations of adjacent residences.
- 5. Site Plan (minimum 1" = 30' scale) showing:
 - Certified survey for development which encroaches within 5 feet of required setbacks. Proposed site plans shall be prepared upon the aforementioned survey.
 - Vicinity map.

REASON FOR NON-SUBMITTAL

- Existing natural land features and topography including the location of any Class I, Class II, or Class III ridgelines within the project boundaries. The topography shall be shown at a maximum of two foot contour intervals in the area to be developed.
- All property lines and dimensions and square footage of property. Show required setbacks.
- All public and private roads, rights-of-way, and easements, within and to the parcel, fully dimensioned. Indicate whether public or private.
- Existing street improvements (curb, gutter, sidewalk, extent of paving).

- Location and dimensions of all existing structures with dimensions to all property lines.
- Proposed building site(s) and footprint(s) of all proposed structures with dimensions to all property lines. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- Circulation plans for each vehicular and pedestrian way.
- All existing and proposed impervious surfaces, including but not limited to sidewalks, roofs, patios, stairs, pool decks, and driveways (shaded or hatched appropriately). Call out square footage of impervious surfaces on the site plan.
- Location and dimensions of existing and proposed fences and retaining walls with top-of-wall (TW) and bottom of wall (BW) spot elevations.
- Surveyed locations of each tree having a trunk of 4 or more inches in diameter at 4'6" above grade and within 100 feet of all construction and grading. The plan shall denote tree species, accurate drip lines, base of trunk elevations, and indicate with an "X" any trees proposed for removal. Limbs measuring 4 inches or greater that are at risk of damage or removal shall also be noted on the site plan.
- Proposed or altered landscaping.

REASON FOR NON-SUBMITTAL

- 6. Grading and Drainage Plans (minimum 1" = 30' scale) showing:
 - Existing and proposed contours shown and labeled. Contour lines shall have a maximum interval of two (2) feet. Extend contours a minimum of fifty (50) feet beyond property lines.
 - Anticipated grading for the development.
 - Note amount of cut, fill, import or export. Destination of exported earth shall be indicated on building permit application.
 - Significant drainage features including swales, creeks (with required creek setbacks shown in both plan and sectional view), and riparian habitat.
 - Existing and proposed drainage facilities including drainage ditches, discharge facilities, catch basins, and subsurface drainage pipes (closed and open), within and adjacent to the site. (See separate handout entitled "Drainage Plan Guidelines").

- Location of existing and proposed sanitary sewers and storm drain facilities.
7. Floor Plans (minimum 1/8" = 1' scale) showing:
- All existing and proposed rooms clearly identified and labeled for each floor level.
 - All usable or potentially usable areas or spaces (including basements, attics, crawl spaces with significant headroom, lofts, accessory buildings, etc.).
 - All proposed decks, balconies, porches, garages/carports, etc.
 - Exterior and interior building dimensions.
 - Existing (E) and proposed (P) square footage of all usable or potentially usable areas.
 - Doors, windows, bay windows, chimneys, stairways, other architectural features.
 - All walls to be removed shall be clearly dashed, highlighted or otherwise indicated. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
 - For proposed additions, existing and proposed conditions shall be illustrated with two separate plan view drawings, done at the same scale.
8. Roof plan at same scale as, and superimposed over, grading plan with existing and proposed contours.
- Elevation of each roof ridge above established datum shall be noted. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
9. Elevations (minimum 1/8" = 1' scale) showing:
- Fully dimensioned exterior elevations indicating both existing and proposed finished grade
 - Roof, doors, windows, trim, down spouts, and all other architectural features. Exterior wall, trim, and roofing materials and colors shall be indicated on plans, with manufacturers' specifications.

REASON FOR NON-SUBMITTAL

- Retaining wall and fence elevations/profiles indicating heights, colors, and materials.
- All walls to be removed shall be clearly highlighted or otherwise called out. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- For proposed additions, existing and proposed conditions shall be illustrated with 2 separate elevation view drawings, done at the same scale, for each building elevation to be modified by the addition.
- Exterior lighting plans with representative cut sheets.
- 10. Cross sections (minimum 1/8" = 1' scale) coincident with critical roof ridges or site conditions. Locations where cross sections are taken shall be indicated on the site plan and/or floor plans. Indicate foundation, finished floor, and roof ridge elevations (above established datum).
- 11. Gross floor area. Indicate existing and proposed total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls. Gross floor area includes attached and detached primary and accessory structures, garages, carport roof coverage and space that is capable of being developed as habitable area.
- 12. Landscape plan. The following are minimum requirements for initial submittal. There may be additional requirements after review by the City Landscape Consultant or Staff.
 - The landscape plan must show existing and proposed topography.
 - Show all existing trees over 4" diameter and large shrubs; label with species and trunk diameter; show accurate dripline.
 - Show trees proposed to be removed with a prominent "X "; label with species and trunk diameter.
 - List and label all proposed planting as follows:
 - Trees – call out species and size to be planted
 - Shrubs - call out species and size to be planted
 - Groundcover – call out species, size and spacing

REASON FOR NON-SUBMITTAL

- All other plants – may be shown and referred to in general terms
- Exterior lighting plans with representative cut sheets.
- 13. Colors and Materials Board
 - If building colors and materials of the primary building or the building housing the accessory dwelling unit will not be changed, photographs of these existing structures showing colors and materials are sufficient.
 - If building colors and materials of the primary building or the building housing the accessory dwelling unit will be changed, then the colors and materials of walls, trim, roof, retaining walls, fences, etc., including color chips and manufacturers' specifications shall be shown. The color and materials board shall be 8.5" x 11" mounted on foam core or cardboard with a maximum thickness of 3/4".
- 14. Soils and geotechnical reports may be required at the discretion of the Planning and Building Services Manager or City Engineer. The reports must be specific to the proposed development site, and not simply boilerplate for the area where the subject parcel is located.
- 15. Preliminary title report. In order to determine the presence of easements or other factors affecting the location of improvements on the site, a preliminary title report, not more than six months old in the case of new residences, and not more than two years old in the case of additions and improvements outside of the existing footprints.
- 16. Other information as may be necessary for project analysis, as determined by the Planning & Building Department Manager and/or City Engineer.

SIGNATURE OF PREPARER: _____ DATE: _____

PRINT FULL NAME: _____

Accessory Dwelling Units

6-560	Purpose and findings.
6-561	Definitions.
6-562	Process and timing.
6-563	General ADU & JADU Requirements.
6-564	Class A ADUs.
6-565	Class B ADUs.
6-566	Class C ADUs.
6-567	Impact Fees.
6-568	Reserved.
6-569	Appeals.

6-560 Purpose and findings.

- (a) Purpose. The purpose of this article is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- (b) Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:
 - (1) Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 - (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - (3) Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - (4) Required to correct a nonconforming zoning condition, as defined in Section 6-561(h) below.

6-561 Definitions.

As used in this article, terms are defined as follows:

- (a) "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - (1) An efficiency unit, as defined in Health and Safety Code Section 17958.1.
 - (2) A manufactured home, as defined in Health and Safety Code Section 18007.
- (b) "Accessory building" means a building, as defined by LMC 6-312, that is accessory and incidental to a dwelling located on the same lot.
- (c) "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- (d) "Efficiency kitchen" means a kitchen that includes all of the following:
 - (1) A cooking facility with appliances.
 - (2) A food preparation counter or counters that total at least 3 square feet in area and no more than 15 square feet in area.

- (3) Food storage cabinets that total at least 3 square feet in area and no more than 30 square feet of shelf space.
- (e) “Floor area” means the total habitable and non-habitable area contained within a building footprint as measured to the internal face of the external walls.
- (f) “Height” means the vertical distance between the average of the highest and lowest grade at the lowest foundation wall (measured at existing grade or finished grade, whichever is lower) and the highest point of the structure. An appurtenance attached to an accessory dwelling unit, which is listed in Section 6-513 LMC, is excepted from the height limit.
- (g) “Junior accessory dwelling unit” or “JADU” means a residential unit that meets all of the following criteria:
- (1) is no more than 500 square feet in floor area,
 - (2) is contained entirely within an existing or proposed single-family building,
 - (3) includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family building, and
 - (4) includes an efficiency kitchen, as defined in subsection (d) above.
- (h) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory building.
- (i) “Nonconforming zoning condition” means an existing physical improvement on a property that does not conform with current zoning standards.
- (j) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (k) “Primary unit” or “primary residence” means a single-family or multi-family residential dwelling unit that either exists on or is proposed for a lot zoned for single-family or multi-family residential use.
- (l) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (m) “Protected tree” means a tree meeting one or more of the following standards:
- (1) Developed Property. Located on a developed property, that has a trunk diameter of 12 inches or more, and that is one of the following species: Coast live oak (*Quercus agrifolia*); Canyon oak (*Quercus chrysolepis*); Blue oak (*Quercus douglasii*); White oak (*Quercus garryana*); Black oak (*Quercus kelloggii*); Valley oak (*Quercus lobata*); Interior live oak (*Quercus wislizenii*); California bay (*Umbellularia californica*); California buckeye (*Aesculus californica*); Madrone (*Arbutus menziesii*);
 - (2) Approved Development Application. Of any size or species and designated to be protected and preserved as part of an approved development application;
 - (3) Riparian Tree. Is a native riparian tree with a trunk diameter of six-inches or more or one component trunk of a multi-trunked tree with a diameter of four-inches or more and that is one of the following species: Bigleaf maple (*Acer macrophyllum*); Boxelder (*Acer negundo*); White alder (*Alnus rhombifolia*); Black walnut (*Juglans hindsii*); Cottonwood (*Populus fremontii*); Red willow (*Salix laevigata*); Arroyo willow (*Salix lasiolepis*); Coast live oak (*Quercus agrifolia*); Valley oak (*Quercus lobata*); California bay (*Umbellularia californica*); California buckeye (*Aesculus californica*); Blue Elderberry (*Sambucus Mexicana, aerulea, or glauca*).
 - (4) Undeveloped Property. Of any species with a diameter of six inches or more and located on an undeveloped property;
 - (5) Replacement Tree. Is a replacement tree planted as restitution for a violation of chapter 6-17;

- (6) Restricted Ridgeline Area. Is a native tree of any size or species within a restricted ridgeline area;
- (7) Street tree. Is a tree of any size or species and is located within a public right-of-way or a private access easement; or
- (8) Downtown tree. Is a tree of any size or species within a commercial zoning district.
- (n) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (o) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (p) "Zoning administrator" means the city's planning and building services manager or designee.

6-562 Process and Timing.

- (1) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (2) The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - ii. The application to create a ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- (3) The City's Zoning Administrator will act upon all applications for Class C ADU permits. The City's Planning and Building Director, or his or her designee, will review all building permit applications for Class A or Class B ADUs.
- (4) Expiration of Permit. If the applicant does not begin the work authorized by the ADU permit within 12 months from the date of issuance or such other expiration date stated in the permit, the permit shall expire.

6-563 General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs (Class A, Class B and Class C):

- (a) Zoning.
 - (1) An ADU or JADU subject only to a building permit under Sections 6-564 and 6-565 below may be created on a lot in a residential or mixed-use zone.
 - (2) An ADU or JADU subject to an ADU permit under Section 6-566 below may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- (b) Number. Except as provided under Sections 6-564 and 6-565 below, only one ADU or JADU per lot.
- (c) Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (d) Address. All ADUs and JADUs shall be assigned an address. The Planning & Building Department will inform local agencies and service providers and the United States Postal

- Service of the address of the ADU OR JADU which will be the primary residence number followed by an identifying letter or number.
- (e) Passageway. No passageway, as defined in Section 6-561 (j) above, is required for an ADU.
 - (f) Rental Term. An ADU or JADU may not be rented for a term that is shorter than 30 days.
 - (g) No Separate Conveyance. An ADU or JADU may be rented separate from the primary residence, but no ADU or JADU may be sold or otherwise conveyed separately from the primary residence.
 - (h) Septic System. 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 10 years.
 - (i) Owner Occupancy.
 - (1) All ADUs approved before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was approved.
 - (2) An ADU that is approved after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - (3) All ADUs that are approved on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - (4) All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary residence or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
 - (5) Any owner-occupancy requirement in subsections (3) or (4) above may be excused for up to twelve (12) consecutive months for health, family, employment or military reasons. The zoning administrator may grant two (2) twelve-month extensions at the request of the owner for such reasons.
 - (j) Deed Restriction . Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the zoning administrator. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - (1) The ADU or JADU may not be sold separately from the primary residence.
 - (2) The ADU or JADU is restricted to the approved size and to other attributes allowed by this article.
 - (3) An ADU or JADU may not be rented for a term that is shorter than 30 days minimum rental.
 - (4) The deed restriction runs with the land and may be enforced against future property owners.
 - (5) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the zoning administrator, providing evidence that the ADU or JADU has in fact been eliminated. The zoning administrator may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the zoning

administrator's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- (6) The deed restriction is enforceable by the zoning administrator or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

6-564 Class A ADUs.

If an ADU or JADU complies with each of the General Requirements in Section 6-563 above, and the specific requirements of either subsection (a) or subsection (b) below, it is a Class A ADU and is allowed with only a building permit in the following scenarios:

- (a) Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might be established on the lot), if the detached ADU satisfies all of the following limitations:
 - (1) The side- and rear-yard setbacks are at least four-feet.
 - (2) The total floor area is 800 square feet or smaller.
 - (3) The height is 16 feet or less.
- (b) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies all of the following limitations:
 - (1) The side- and rear-yard setbacks are at least four-feet.
 - (2) The height is 16 feet or less.

6-565 Class B ADUs.

If an ADU or JADU complies with each of the General Requirements in Section 6-563 above, and the specific requirements of either subsection (a) or subsection (b) below, it is a Class B ADU and is allowed with only a building permit in the following scenarios:

- (a) Converted on Single-family Lot: One ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (1) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an existing accessory building, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
 - (2) Has exterior access that is independent of that for the single-family dwelling; and
 - (3) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- (b) Converted on Multifamily Lot: 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 converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling buildings, and multiple converted ADUs shall be permitted up to 25 percent of the number of existing multifamily dwelling units.

6-566 Class C ADUs.

The following section applies to ADUs that cannot be categorized as Class A or Class B ADUs. The Zoning Administrator shall approve an ADU permit for a Class C ADU that complies with the General Requirements in Section 6-563 above, and with all the following specific requirements of this section:

- (a) Maximum Unit Size.
 - (1) The maximum size of a detached or attached ADU subject to this Section is 1,200 square feet of floor area. No more than two bedrooms are allowed.
 - (2) An attached ADU that is created on a lot with an existing primary residence is further limited to 50 percent of the floor area of the existing primary residence except as permitted by subsection (a)(3) below,.
 - (3) Application of other development standards in this Section 6-566, might further limit the size of the ADU, but no application of any requirements under Section 6-566, may require the ADU to be less than 800 square feet in floor area, less than 16 feet in height with four-foot side and rear yard setbacks.
- (b) Setbacks.
 - (1) A setback of no more than four feet from the side and rear lot lines shall be required; except no setback shall be required for an existing living area or an existing accessory building or an accessory building constructed in the same location and to the same dimensions as an existing accessory building that is converted to an ADU or to a portion of an ADU.
 - (2) Except as provided in subsection (b)(1), above, front yard setbacks shall be as follows:
 - i. R-6, R-10, R-12, R-15, D-1, M-R-A, M-R-B, M-R-O districts: at least 20 feet; on corner lots the principal frontage shall have a setback of at least 20 feet and the other setback shall be at least 4 feet.
 - ii. R-20, R-40, R-65 districts: at least 25 feet; on corner lots the principal frontage shall have a setback of at least 25 feet and the other setback shall be at least 4 feet.
 - iii. R-100 district: at least 30 feet; on corner lots, the principal frontage shall have a setback of at least 30 feet and the other setback shall be at least 4 feet.
 - iv. L-R-5 and L-R-10 districts: a minimum of 50 feet.
 - v. RB, C, SRB, C-1, PHC districts: 50 feet on the ground floor from frontages facing Mt Diablo Boulevard. For all other frontages no setback is required.
- (c) Floor Area Ratio (FAR). No ADU subject to this Section 6-566, may cause the total FAR of the lot to exceed the following thresholds, as applicable, subject to Section 6-566 (a)(3), above:
 - (1) M-R-A district: .25 for lot sizes less than 10,000 square feet; .30 for lot sizes at least 10,000 square feet and less than 11,000 square feet; increasing .01 for every 1,000 square feet of lot size above 11,000 square feet (see section 6-826).
 - (2) M-R-O district: the maximum floor area shall be no greater than that allowed if the parcel were in the M-R-A zoning district, except that it need not be less than 0.50 times the area of the site.
- (d) Lot Coverage. No ADU subject to this Section 6-566, may cause the total lot coverage of the lot to exceed the following thresholds, as applicable, subject to Section 6-566 (a)(3), above:
 - (1) D-1 district: 50 percent.
 - (2) M-R-A district: 35 percent.
 - (3) M-R-B district: 25 percent.

- (e) Minimum Open Space. No ADU subject to this Section 6-566, may cause the total percentage of open space of the lot to fall below the following thresholds, as applicable, subject to Section 6-566 (a)(3) above.
- (1) M-R-A district: 45 percent. 20 percent of the ground level of the lot shall be planted open space (maintained with growing plants) with a minimum dimension of 15 feet.
 - (2) M-R-B district: 50 percent. 30 percent of the ground level of the lot shall be planted open space (maintained with growing plants) with a minimum dimension of 15 feet.
 - (3) M-R-O district: 30 percent. 20 percent of the ground level of the lot shall be planted open space (maintained with growing plants) with a minimum dimension of 10 feet.
 - (4) M-R-T district: 50 percent.
- (f) Height. The height of an accessory dwelling unit is limited as provided below.
- (1) Height in Single-Family Zoning Districts. The height of an ADU shall not exceed 17 feet in height or the maximum height of the primary unit, whichever is less.
 - (2) Height in Other Zoning Districts. The height of an ADU shall not exceed the height of the primary unit or the maximum height of the zoning district in which the primary unit is located, whichever is less. Maximum heights for each zoning district are listed below:
 - i. D-1 district: 25 feet; one and one-half stories.
 - ii. M-R-A district: On lots smaller than 30,000 square feet in area, 25 feet in height. On lots not less than 30,000 square feet in area, 35 feet in height.
 - iii. M-R-B district: 35 feet.
 - iv. M-R-O district: 35 feet in height; three stories.
 - v. M-R-T district: 25 feet.
 - vi. M-R-P district: 20 feet; one story in height.
- (g) Parking.
- (1) Generally, One off-street parking space is required for each ADU with 1 or more separate bedrooms. Off-street parking is not required for ADUs without separate bedrooms (studio). The parking space may be provided in setback areas or as tandem parking, as defined by Section 6-561 (o) above, unless the zoning administrator makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - (2) Exceptions. No parking under Section 6-566 (g)(1) is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined in Section 6-561 (n) above.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an existing accessory building under Section 6-565 (a) above.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - (3) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those offstreet parking spaces are not required to be replaced.
- (h) Architectural Requirements.
- (1) The exterior design, building materials, colors, window style, and exterior finishes shall be the same as those on the existing or proposed primary unit.

- (2) If a passageway or entrance is provided for the accessory dwelling unit, such entrance shall not be located on the same side as the entrance to the primary unit. If an accessory dwelling unit is accessed by an outside stairway, the stairway shall not be on the same side as the entrance to the primary unit.
- (3) The off-street parking for an ADU shall be accessed by the primary unit's existing curb cut(s).
- (4) All exterior lighting for an ADU must be shielded and down-facing. Exterior wall-mounted lighting may only be placed on the two faces of the building that are furthest from the perimeter of the property. Shielded and downward-facing path lighting, with an above-grade height of no more than 20 inches, is permitted on all sides of an ADU.
- (i) Tree Protection. For each protected tree, as defined in Section 6-561 (m) above, removed to provide for the location of an ADU, one 15-gallon tree of the same genus and species shall be planted onsite.
- (j) Creek Setback. To protect from flooding and land subsidence, an ADU shall be set back from an unimproved creek channel as follows:
 - (1) Channel Depth of Zero through 21 Feet. If the side slopes of the channel are steeper than 2:1 (horizontal:vertical), the width of the structure setback is determined by a line measured from the toe of the slope a distance of twice the channel depth plus the appropriate top-of-bank setback as follows:

Channel Depth (Feet)	Top of Bank Setback Minimum Width (Feet)
0—6	12 each side
6—12	15 each side
12—18	18 each side
18—21	21 each side

If the side slopes of the channel are flatter than 2:1 (horizontal:vertical) the structure setback is the appropriate setback indicated in the table above, measured from the top of the bank.

- (2) Channel Depth Exceeding 21 Feet. If the depth of a channel exceeds 21 feet, the width of the structure setback is determined by measuring from the toe of the slope a distance of three times the channel depth.
- (3) If a parcel is subject to subdivision easements or setback requirements under Contra Costa County Ordinance Code Sections 914-14.002 through 14.014 which are inconsistent with this subsection, those subdivision requirements control.

6-567 Impact Fees.

All Class A, B and C ADUs shall be subject to any applicable impact fees adopted by the city, except as provided below.

- (a) No impact fee is required for an ADU that is less than 750 square feet in floor area.
- (b) 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 residence unit. (E.g., the floor area of the primary unit, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.)

For purposes of this section, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of California Government Code Section 66000, except that it also includes fees specified in California Government Code Section 66477.

6-568 Reserved.

6-569 Appeals.

An aggrieved person may appeal a decision to deny an ADU or JADU to the city manager. The appeal shall be in writing, filed with the planning director, and shall specifically set forth the decision appealed from and the grounds for the appeal. The appeal shall be filed within 14 days of the action to deny the ADU or JADU.

The city manager shall review the appeal without a public hearing within 30 days of receipt of the written appeal. The city manager shall limit his or her consideration of the appeal to whether the ADU meets the general provisions in Section 6-563, and development standards in one of the following: Sections 6-564, 6-565, or 6-566, as applicable. The decision of the city manager shall be final.

(Ord. 543 § 2, 2004; Ord. 540 § 2 (part), 2003; Ord. 408 § 1 1993; Ord. 300 § 1 (part), 1984; Ord. 655, 2016, Ord. 676, 2020, Ord. 678, 2020)