



# ACCESSORY DWELLING UNIT

PLANNING



## DESCRIPTION

An accessory dwelling unit (ADU) is an attached or detached residential unit that provides complete independent living facilities with accommodations for a kitchen, living, sleeping, eating, and bathroom on the same parcel as the primary residence. Accessory dwelling units are not accessory structures and are regulated under Danville Municipal Code Section 32-76.

## PROCESS

| Unit Size (Square Feet)           | Review Process                      |
|-----------------------------------|-------------------------------------|
| 150 - 1,000                       | Ministerial                         |
| 1,001 - 2,000                     | Administrative                      |
| Variance, Exceptions, and Appeals | Public Hearing- Planning Commission |

**Ministerial:** ADU requires a building permit. Planning Division staff review plans concurrently to other divisions during the building permit plan check process.

**Administrative:** A Development Plan application is required and subject to review and approval by Planning Division staff. Once an application is deemed complete, notification of a 10-day appeal period is mailed to surrounding property owners within 350 feet of the project site.

**Public Hearing:** The Accessory Dwelling Unit is subject to review and approval by the Planning Commission for consideration and action through a noticed public hearing.

## GENERAL DESIGN AND DEVELOPMENT STANDARDS

- **Unit:** A maximum of one accessory dwelling unit per parcel. The unit cannot be sold separately. The design of the ADU must be compatible with the primary residence.
- **Occupancy:** Owner occupancy is required for primary residence or accessory dwelling unit.
- **Size and Bedroom Requirements:**

The unit size is measured from the outside footprint of the foundation

|                                       |  |
|---------------------------------------|--|
| Parcels under 40,000 square feet      | <ul style="list-style-type: none"> <li>○ ADU's maximum size is 1,000 square feet</li> <li>○ Maximum of 2 bedrooms</li> </ul> |
| Parcels 40,000 square feet and larger | <ul style="list-style-type: none"> <li>○ ADU's maximum size is 2,000 square feet</li> <li>○ Maximum of 3 bedrooms</li> </ul> |

- **Setback and Height Requirements:**

|  |  |
|--|--|
| Primary residence setbacks   | <ul style="list-style-type: none"> <li>○ 2.5 stories or 35 feet maximum height, whichever is less</li> </ul>               |
| Reduced setbacks:<br>Primary and secondary front setbacks met, then 10' side and rear setbacks | <ul style="list-style-type: none"> <li>○ 15 foot maximum height</li> <li>○ Adhere to window placement standards</li> </ul> |

- **Parking:** An off-street parking space is not required.
- **Garage:** If a garage is provided for a detached unit, the garage is limited to a size necessary to accommodate a maximum of 2 standard size parking spaces (440 sq. ft.).
- **Window Placement:** Detached accessory units with a setback of ten (10) feet or less on a side or rear property line shall be designed so that any window facing that property line shall be located no less than 6 (six) feet above the finished floor to minimize direct views to adjacent neighboring properties to preserve privacy. This six (6) foot window placement shall also apply to any detached two-story accessory dwelling unit that does not meet the required minimum side or rear yard setback requirements for the primary residence.
- **Utilities:** Utilities for detached units are required to be installed underground.
- **Heritage Trees:** Units located within a dripline of a protected heritage tree must adhere to the Tree Preservation ordinance.

### **GARAGE CONVERSIONS**

Conversion of an existing accessory detached garage or the conversion of an existing structure above an existing detached garage into an accessory dwelling unit shall be subject to the following:

- **Setbacks (side and rear):** Setbacks are not required for an existing garage or existing accessory structure that is converted to an accessory dwelling unit. A new accessory dwelling unit above an existing garage shall maintain a minimum setback of five (5) feet from the side and rear property line. The five (5) foot setback shall only apply to the new accessory dwelling unit.
- **Height:** A new second story accessory dwelling unit above an existing detached garage shall have a maximum height of 22 feet, with no part of the unit more than nineteen (19) feet in height within ten (10) feet of the property line.
- **Window Placement:** Must follow the general design and development standards

### **DEED RESTRICTION**

Before obtaining a building permit, the property owner is required to file an owner occupancy declaration with the County Recorder. Planning staff will help owners with this process.

### **PERMIT REQUIREMENTS**

Once a Planning approval is received or it is determined that only a ministerial review is required, the building permit application and review may begin. Building submittal requirements are found online at [www.danville.ca.gov/Permits/Building](http://www.danville.ca.gov/Permits/Building) or by speaking to a building representative at 925.214.3330. Each project is unique and may require additional approvals and fees from other outside agencies.

**Outside agencies** may include the following:

- East Bay Municipal Utility District: 510.287.0742
- Central Contra Costa County Sanitary District: 925.228.9500
- San Ramon Valley Fire Protection District: 925.838.6600