



(Date stamp)

Town of Moraga

PLANNING DEPARTMENT

ACCESSORY DWELLING UNIT MINISTERIAL APPLICATION

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

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

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

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

ACCESSORY DWELLING UNIT APPROVAL PROCESSES

An ADU is a fully contained (within an existing building), or an attached or detached residential dwelling unit between 150 and 800 square feet in size 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 single-family dwelling unit. Applicants for ADUs must occupy either the existing primary unit or ADU when constructed.

An ADU permit obtained pursuant to the procedures and standards set forth in this application process (MMC Section §8.124.040) is required prior to the development, construction or occupancy of any ADU. The Planning Director will review the application to ensure that all information required is supplied, and that the proposed development is consistent with the criteria adopted under MMC Sections §8.124.060 and §8.124.070. Within 60 days of deeming the application complete and no more than 120 days from when the application is submitted, the Planning Director will ministerially approve or deny the application without discretionary review or public hearing. If the application is approved, a courtesy notice will be concurrently mailed to all abutting property owners notifying them of the decision. If the application is denied, the applicant may appeal the decision of the Planning Director in accordance with the provisions of MMC Chapter 8.12, Article 4. The appeal shall be limited to a consideration of whether the objective criteria in Sections §8.124.060 and §8.124.070 for an ADU have been met.

Ministerial Review

The following categories of ADUs may be permitted within the Town of Moraga through the ministerial review process:

- **Fully Contained ADUs** are established entirely within the pre-existing building envelope of either (a) an existing primary unit or (b) any other pre-existing, legally constructed building located upon any lot containing an existing primary unit.
 - Compliance with the Development Standards of MMC Section §8.124.060.A
 - Permitted within the 1-DUA, 2-DUA, 3-DUA and 6-DUA districts, Planned Development districts of equivalent residential density to the foregoing residential districts, Study District, or MOSO or Non-MOSO Open Space districts.
- **Attached ADUs** are located at least partially within a newly constructed expansion of, or addition to, an existing primary unit.
 - Compliance with the Development Standards of MMC Section §8.124.060.B and Design Standards of MMC Section §8.124.070.
 - Permitted within 1-DUA, 2-DUA, or 3-DUA districts, or Planned Development districts of equivalent residential density to the foregoing residential districts, or a Study District.
- **Detached ADUs** are located at least partially within new construction that is part of a physical structure which is detached from the existing primary unit. More specifically, a detached ADU is located within a newly and legally constructed separate accessory building, or a newly constructed expansion of, or addition to, a pre-existing legally constructed separate accessory building.

- Compliance with the Development Standards of MMC Section §8.124.060.B and Design Standards of MMC Section §8.124.070
 - Permitted within 1-DUA, 2-DUA, or 3-DUA districts, or Planned Development districts of equivalent residential density to the foregoing residential districts, or a Study District.
- Junior Accessory Dwelling Unit (JADU) is a residential dwelling unit that provides living facilities for one or more persons (including provisions for living, sleeping, and cooking), is no more than 500 square feet in size, and is contained entirely within the pre-existing building envelope of an existing primary unit. A junior accessory dwelling unit includes either separate sanitation facilities, or sanitation facilities shared with the existing primary unit.
 - Compliance with the standards of MMC Section §8.124.080.A through I.
 - Permitted within the 1-DUA, 2-DUA, 3-DUA and 6-DUA district, Planned Development districts of equivalent residential density to the foregoing residential districts, Study District or MOSO or Non-MOSO Open Space districts.

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. Setbacks. A decrease of the required front, side or rear setback.	10 percent, provided that a minimum setback of 10 feet is maintained in all instances.
3. Parking Space Dimensions. A decrease in the minimum dimensions of a required parking space.	Reduction to not less than 8 feet by 18 feet
4. New deck(s), balcony(ies) or porches: Increase in aggregate area.	25 percent increase
5. 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.

Discretionary Review

Conditional Use Permit: Attached and Detached ADUs that do not comply with the Development Standards of MMC Section §8.124.060.B or ADUs that are located within the MOSO and Non-MOSO open space districts 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 pre-development slope greater than twenty percent (20%).
- C. The interior living area of the proposed ADU, whether attached or detached, will be at least one hundred fifty (150) square feet and not more than eight hundred (800) square feet.
- 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 existing 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 §8.124.060(B)(13)(d) would apply,
- H. The ADU complies to the extent practicable with the standards set forth in Sections §8.124.060 and 8.124.070.
- I. Provisions have been made for a deed restriction as provided in Section §8.124.160 to be recorded against the property.

Design Review Permit: ADUs that do not comply with the Design Standards of MMC Section §8.124.070 may be approved by the Design Review Board. The ministerial timelines do not apply in this case. If the project also requires a Conditional Use Permit, the Planning Commission shall be the review body for design review approval. In such case the Planning Commission's action shall follow a recommendation from the reviewing authority (either the Design Review Administrator or the Design Review Board).

Submittal Requirements: In addition to the completed ADU application, the following materials must be submitted for Planning Director review:

One site plan drawn to scale on sheets of 11" x 17" or larger, which must include:

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

One set of Architectural drawings on sheets of 11" x 17" or larger, which must include:

1. Floor plans at one-eighth inch or one-fourth inch equals one foot zero inches,
2. Four elevations (or more if necessary) to include all sides of development at no less than one-eighth inch equals one foot zero inches,
3. Recent photograph of the site itself and of adjacent properties showing the current condition of the properties,
4. Color and texture chips of actual samples of materials,

Obtaining a Building Permit (After Planning Director Approval of the ADU)

Before the construction plans can be submitted to the Contra Costa County Building Department for a building permit, the applicant will need to submit the construction plans for approval to the Central Contra Costa Sanitation District and Moraga Orinda Fire District (MOFD). Five sets of the plans should be submitted to MOFD, they will keep a set for their files, and the remaining four sets of plans submitted to the Planning Department for an approval stamp. The construction plan sets must include the structural drawings and calculations, and Title 24. You will also need to fill out a building permit application form which planning staff will sign. The Planning Department will keep one plan set for our files, the remaining three Town-approved plan sets and signed building permit application form can then be taken to the Contra Costa County Building Department in Martinez (925) 646-4108, or, the County's Lamorinda Building Inspection Office in Lafayette (925) 299-0263.

Before the building permit will be issued, the applicant will need to submit to the Planning Department:

- 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.
- A recorded deed restriction which sets forth (1) that the ADU or JADU may not be sold separately from the existing primary unit, (2) that the owner shall occupy either the existing primary unit or the ADU or 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.

Attachments:

1. ADU Development and Design Standards (MMC Sections §8.124.060 and §8.124.070).
2. JADU Development Standards) (MMC Section §8.124.080)
3. Recordable Deed Restriction

Attachment 1

ADU Development and Design Standards

8.124.060 Development standards.

This section sets forth development standards for the establishment of fully contained ADUs and attached or detached ADUs.

- A. Fully Contained ADU. A fully contained ADU may be established entirely within the pre-existing building envelope of an existing primary unit or another pre-existing, legally constructed accessory building located on any lot containing an existing primary unit in the 1-DUA, 2-DUA, 3-DUA, and 6-DUA districts, Planned Development districts of equivalent residential density to the foregoing residential districts, Study District, or MOSO or Non-MOSO Open Space District, if it complies with the following standards:
 - (1) The fully contained ADU shall have an exterior access independent from that of the existing primary unit. 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 existing primary unit or pre-existing, legally constructed, building within which the ADU is contained.
 - (2) A pre-existing legally constructed accessory building may be fully or partially converted into a fully contained ADU provided side and rear setbacks and building separations are sufficient for fire safety. However, no setback shall be required for a pre-existing legally-constructed garage that is converted (or partially converted) to a fully contained ADU.

- B. Attached or Detached ADUs. An attached or detached ADU may be established upon any lot containing an existing primary unit in the 1-DUA, 2-DUA, or 3-DUA districts, or Planned Development districts of equivalent residential density to the foregoing residential districts, or a Study District, if it complies with the following standards, as well as the design standards set forth in Section 8.124.070:
 - (1) Except as set forth in Section 8.124.060(B)(3), 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.
 - (2) Except as set forth in Section 8.124.060(B)(3), 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 (and all associated outdoor living areas and accessory structures) shall meet the setback requirements of the zoning district.

- (3) Notwithstanding any other standard set forth in this Section 8.124.060(B):
 - (a) No setback shall be required for an existing legally constructed garage that is fully or partially incorporated into an attached or detached ADU.
 - (b) A second-floor setback of no more than five (5) feet from the side and rear lot lines shall be required for an ADU that is constructed over a legally constructed garage.
- (4) A detached ADU (and all associated outdoor living areas and accessory structures) shall comply with the setback requirements of the zoning district in which the detached ADU is to be located, or, in the case of a planned development district, with the setbacks established for that planned development.
- (5) A detached ADU shall be located at least as close to the existing primary unit as it is to any adjacent property line to the extent possible, and subject to the other requirements of this Section 8.124.060(B).
- (6) 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 the height of the existing primary unit or 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, whichever is less. A skirt wall (if any) shall be included in the maximum height measurement.
- (7) 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 percent (20%).
- (8) 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.
- (9) 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 (800) square feet. 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. For example, if the pre-existing interior living area of the existing primary unit is 1200 square feet, the square footage of the attached ADU shall not exceed 600 square feet. 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 accessory dwelling unit, or if the development of the accessory dwelling unit will result in the total gross

floor area exceeding the maximum permitted in the Maximum Floor Area Table, up to an additional 200 square feet of new floor area over and above the maximum is permitted for the accessory dwelling unit. This exceedance shall be permitted only to the extent necessary to accommodate the development of the accessory dwelling unit.

- (10) No passageway shall be required in conjunction with construction of an attached or detached ADU unless mandated by the Americans with Disabilities Act or other state or federal safety code standard.
- (11) The attached or detached ADU shall have an external access separate from the existing primary unit, and an attached ADU may also have internal access to the existing primary unit.
- (12) No attached or detached accessory dwelling unit shall be located within the drip line of any native, orchard or historic tree as defined by Moraga Municipal Code Section 12.12.020.
- (13) In addition to parking required for the existing primary unit, one off-street parking space measuring at least nine (9) 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:
 - (a) The parking space for the attached or detached ADU shall be located adjacent to the parking spaces for the existing 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.
 - (b) 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 shall be located outside of the required setback areas. However, if the Planning Director determines that locating an uncovered parking space outside of the required setback areas is not feasible based on site specific constraints or based on the other parameters specified in State law, such parking space may be located within a setback area approved by the planning director and/or provided as tandem parking on an existing driveway. 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.

- (c) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an attached or detached ADU, those parking spaces demolished as a result of the construction shall be replaced prior to the issuance of a certificate of occupancy for the attached or detached ADU. The replacement parking spaces may be located in any configuration on the same lot as the attached or detached ADU, including, but not limited to, covered spaces, uncovered spaces, tandem spaces or by use of mechanical automobile parking lifts. Replacement covered parking shall meet the setback requirements of the zoning district. Replacement uncovered parking shall be a permeable surface and may be located within a required setback; 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.
- (d) Notwithstanding any other provisions of this Subsection 8.124.060(B)(13), attached or detached ADUs shall not be required to provide an off street parking space in any of the following circumstances:
 - (i) The attached or detached ADU is located within one-half mile of a public transit stop.
 - (ii) The attached or detached ADU is located within an architecturally and historically significant historic district.
 - (iii) When on-street parking permits are required but not offered to the occupant of the attached or detached ADU.
 - (iv) 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.
 - (v) Nothing in this section 8.124.060(B)(13)(d) shall be construed as requiring parking to be provided for a fully contained ADU.

C. All fully contained ADUs and attached and detached ADUs shall also comply with the following development standards:

- (1) Only one ADU or JADU is permitted per lot.
- (2) The ADU is not required to provide fire sprinklers if they are not required for the existing primary unit.
- (3) The ADU shall be located within 150 feet of (i) a point accessible by a Moraga-Orinda Fire District emergency vehicle, and (ii) an emergency

services access path that complies with the applicable state and federal safety code standards; or an alternative means of fire protection shall be provided subject to approval of the Moraga-Orinda Fire District.

8.124.070 Design Standards.

This section sets forth design standards that must be met for the establishment of attached and detached ADUs in addition to the requirement to comply with the development standards set forth in Sections 8.124.060(B) and (C). 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 existing primary unit.
- B. All exterior lighting shall be directed downward 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 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.
- F. The aggregate area of new deck(s), balcony(ies) or porch(es) for the attached or detached ADU shall not exceed 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 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 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. All landscaping associated with the attached or detached ADU shall be irrigated and maintained for a minimum of one year.
- J. 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.
- K. Each attached or detached ADU shall have a designated location for the permanent storage of trash and recycling containers.

Attachment 2

8.124.080 Junior Accessory Dwelling Units

This section provides standards for the establishment of junior accessory dwelling units (JADUs), as an alternative to a fully contained ADU. A JADU may not be located on a lot that already contains any type of ADU. A JADU will typically be smaller than an ADU and must be constructed within the pre-existing building envelope of an existing primary unit. The JADU shall comply with the following standards:

- A. One JADU is allowed on a lot containing an existing primary unit and located in the 1-DUA, 2-DUA, 3-DUA, 6-DUA districts; Planned Development districts of equivalent residential density to the foregoing residential districts, Study District; or MOSO or Non-MOSO Open Space District.
- B. The owner of a parcel proposed for a JADU shall occupy as a principal residence either the existing primary unit or the JADU.
- C. As set forth in Section 8.124.160, neither the JADU nor the existing primary unit shall be sold independently of each other.
- D. As set forth in Section 8.124.160, neither the JADU nor the existing primary unit shall be rented for periods of less than 30 consecutive days.
- E. A JADU shall be created entirely within the pre-existing building envelope of an existing primary unit, and shall include conversion of a pre-existing bedroom.
- F. A JADU shall have an exterior entry separate from the existing primary unit to serve the JADU, and an interior entry to the main living area of the existing primary unit.
- G. The interior living area of a JADU shall not be larger than 500 square feet in size.
- H. The JADU shall include an efficiency kitchen, requiring and limited to the following components:
 - (1) A sink with a maximum waste line diameter of one-and-one-half (1.5) inches;
 - (2) A cooking facility or appliance which does not require electrical service greater than one hundred and twenty (120) volts, or natural or propane gas; and
 - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

No additional parking is required beyond that required at the time the existing primary unit was constructed.

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”). Sections 8.124.050 and 8.124.160 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 (as defined in Moraga Municipal Code section 8.124.020) authorized by California Government Code section 65852.2, and requires the recordation of a deed restriction with respect to said conditions prior to issuance of a building permit.

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. Property Owner Occupancy Requirement. The Property Owner of a lot upon which the Accessory Dwelling Unit is located shall occupy as a principal residence either the existing primary unity or the Accessory Dwelling Unit, 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. The Accessory Dwelling Unit shall be considered legal only so long as either the Existing Primary Unit or the Accessory Dwelling Unit approved pursuant to this chapter is occupied by an owner of record, or the owner has received an approved hardship exemption.

3. Short-Term Rentals Prohibited. No Accessory Dwelling Unit or Existing Primary Unit on a lot that contains an Accessory Dwelling Unit shall be rented to the same party for fewer than 30 consecutive days at a time.

4. Binding on Successors. The restrictions described in Moraga Municipal Code section 8.124.160 shall be binding upon any successor in ownership of the property and lack of compliance may result in legal action against the Property Owner.

5. Proof of Compliance. The Town of Moraga shall have the right at any time to request and have the owner provide such information deemed necessary by the Town to confirm compliance with the restrictions set forth in Moraga Municipal Code Chapter 8.124.

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

Property Owner

Print name as is appears on the property deed

Property Owner

Print name as it appears on the property deed

Approved by Town of Moraga,
a municipal corporation

By: _____

Print name and title

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

State of _____

County of _____

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

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

WITNESS my hand and official seal.

Signature: _____

Name: _____
(Typed or Printed) (Seal)

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

State of _____

County of _____

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

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

WITNESS my hand and official seal.

Signature: _____

Name: _____
(Typed or Printed) (Seal)

EXHIBIT A
Legal Description of the Property