

Accessory Dwelling Unit (ADU) Ordinance Update

Town Council

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ADU Ordinance Update

- To comply with changes in State laws affecting ADUs effective January 1, 2020.
- Draft ordinance was first heard by the Town Council on February 10, 2021.



Town Council Revisions

Article 2, Ministerial Review for Streamlined ADUs and JADUs and Article 3, Ministerial Review for Standard ADUs Sections 8.124.100.D. and 8.124.120.E. *“Courtesy Notice. Upon approval of the accessory dwelling unit permit, the planning director shall mail a courtesy notice to all owners of abutting properties, notifying them of the approval. The notice shall state that there is no right of an aggrieved party to appeal the approval.”*

Article 3, Development Standards for standard attached and detached ADUs. Section 8.124.130.E. (This was Section 8.124.130.F in the February 10, 2021 ordinance reading.) *“The maximum aggregate building height for a detached ADU, or for an addition constructed to wholly or partially accommodate an attached ADU, shall not exceed nineteen (19) feet in height as measured between the highest point of the building including the roof and the lowest point of the building at natural grade and shall not exceed sixteen (16) feet in building height within ten (10) feet of the property line. A skirt wall (if any) shall be included in the maximum aggregate building height measurement*

HCD Revisions

Article 3, Development Standards for standard attached and detached ADUs. Removal of former Section 8.124.130.E. ~~“The distance of the detached ADU from the primary unit shall be less than the distance of the detached ADU from any residence on an adjacent property, to the extent possible.”~~

Article 3, Development Standards for standard attached and detached ADUs. ~~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.~~

No historic tree shall be removed for the purpose of establishing an ADU. Native or orchard trees may be removed to provide for the location of an ADU, with a requirement that one 15-gallon tree of the same genus and species be planted on site per tree removed. The requirement to replant a native or orchard tree may be waived if the Planning Director determines that there is no appropriate location on site to plant a tree. Trees are defined in Moraga Municipal Code Section 12.12.020.

Staff Recommended Revisions

Article 3, Development Standards for standard attached and detached ADUs. 1.124.130.C. Notwithstanding any other standard set forth in this section 8.124.130:

~~1) No~~ no setback shall be required for an existing legally constructed garage that is fully or partially incorporated into an attached or detached ADU.

~~2) A second floor setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed over a legally constructed garage.~~

Recommendation



Consider waiving the first reading and introduce by title only an Ordinance amending Moraga Municipal Code Section 8.04.020, Definitions and repealing and replacing Chapter 8.124 of the Moraga Municipal Code, Accessory Dwelling Units of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code.

CEQA: The proposed Ordinance is exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which exempt the adoption of Accessory Dwelling Unit Ordinances.