



ACCESSORY DWELLING UNIT



PLANNING

Updated: **June 7, 2023**

*This handout reflects newly enacted state laws effective January 1, 2023. Be advised that this information is **subject to change** as state guidelines and legal interpretations are issued.*

WHAT IS AN ACCESSORY DWELLING UNIT?

An Accessory Dwelling Unit (ADU) is a self-contained living unit that is usually smaller than the main home on the same property. An ADU contains a kitchen, bathroom, and a place to sleep. They can be attached to the main home (top illustration) or detached (middle illustration).

A Junior Accessory Dwelling Unit (JADU) is a unit up to 500 square feet and converted from any existing floor space including (but not limited to) an attic, basement, or garage (bottom illustration).

WHERE CAN I BUILD ONE?

Generally, ADUs can be built on any site that is zoned for residential use (single-family or multi-family) and contains an existing or proposed primary residence. Zoning district-specific development standards apply so please visit our website at <https://www.danville.ca.gov/718/Accessory-Dwelling-Units---ADUs> or contact our Planning Division for help and guidance: (925) 314-3310.

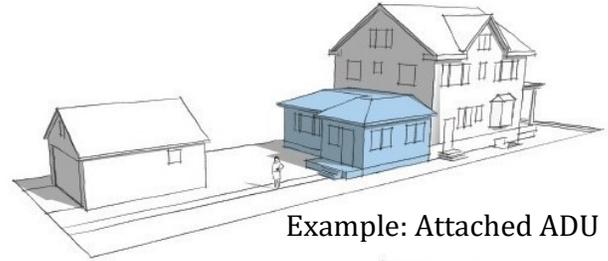
FREE PRE-DESIGNED ADU PLANS

Constructing high quality ADUs that meet local design standards and respect community character can be a substantial investment. In August 2020, the Town launched a *Garden Cottage Program* intended to defray some of these costs by offering a selection of pre-designed ADU building plans (detached units only) that can be downloaded free-of-charge.

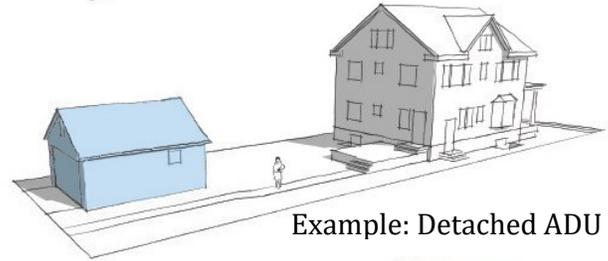
For more information on the status of the program's development, contact our Planning Division at (925) 314-3310.

WHAT ARE THE REGULATIONS?

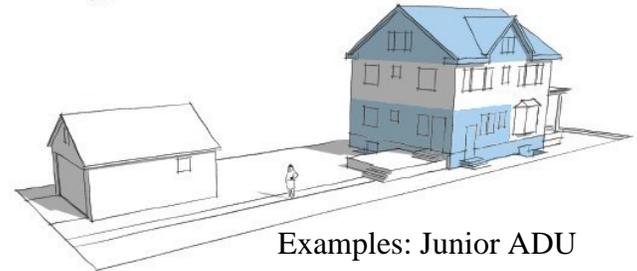
As of January 1, 2023, new state laws supersede local ordinances.



Example: Attached ADU



Example: Detached ADU



Examples: Junior ADU

| Single Family Residential Districts Development Standards | |
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| Zoning District: | Any single-family residential district. |
| Allowable Number: | <p>Maximum of two (2): One (1) attached or detached ADU <i>plus</i> one (1) JADU</p> <p>Maximum of three (3): One (1) attached ADU contained within a proposed new single family residence or converted from existing area <i>plus</i> one (1) JADU <i>plus</i> one (1) detached ADU not exceeding 800 square feet.</p> |
| Size: | <p>JADU: Maximum 500 square feet</p> <p>ADUs in districts zoned with a maximum lot size <u>less</u> than 40,000 square feet: 1,200 square feet. Attached ADUs shall not exceed 50% of primary residence.</p> <p>ADUs in districts zoned with a maximum lot size <u>more</u> than 40,000 square feet: 2,000 square feet. Attached ADUs shall not exceed 50% of primary residence.</p> <p>Garages attached to a detached ADU do not count towards ADU square footage and can be a maximum of 20' x 22' or 440 square feet.</p> <p>*A minimum of 850 square feet for one-bedroom units, or 1,000 square feet for units with more than one bedroom, shall be allowed for attached ADUs, regardless of the size of the primary residence.</p> <p>*There are no size minimum requirements.</p> |
| Minimum Setbacks for both attached and detached ADUs: | <p><i>Front:</i> Same as required under the applicable zoning district</p> <p><i>Side:</i> 4 feet</p> <p><i>Rear:</i> 4 feet</p> <p>*Setbacks are measured to the furthest projecting feature. This includes, but is not limited to, eaves and gutters.</p> <p>*If an ADU is constructed in the same location (and same dimensions) as an <i>existing</i> non-conforming structure (example: detached garage), it does <i>not</i> have to comply with the rear and side yard setbacks.</p> |
| Maximum Height Detached: | <p>16 feet, 24 feet if the ADU meets the same setbacks applicable to the primary residence.</p> <p>18 feet if located within one-half mile walking distance of a major transit stop or high quality transit corridor, with an allowance of two additional feet to accommodate roof pitch aligned with the primary dwelling unit.</p> <p>*Height is measured from finished grade.</p> |
| Maximum Height Attached: | <p>25 feet or the same height allowed for the primary residence if the unit meets the setbacks applicable to the primary residence.</p> <p>*Height is measured from finished grade.</p> |
| Floor Area Ratio (FAR): | <p>None required. Any ADU \leq 800 square feet is allowed, if it meets all development standards applicable to its zoning district.</p> |
| Exempt ADUs: | <p>Otherwise applicable standards may be waived as necessary to accommodate a minimum 800 square foot ADU on any residential parcel.</p> |

| Single Family Residential Districts Development Standards | |
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| HOA Restrictions: | Homeowners associations may not outright prohibit ADUs, and must comply with the requirements of State law (Civil Code Section 4751). |
| Design: | The exterior appearance of an ADU shall be architecturally compatible with the primary residence and with the surrounding neighborhood. Architectural compatibility includes incorporating the same paint colors, siding, and roof materials as the primary residence. |
| Parking: | <p>One additional space is required unless:</p> <ul style="list-style-type: none"> • The ADU is located within one-half mile walking distance of public transit. • The ADU is located within an architecturally and historically significant historic district. • The ADU is part of the proposed or existing primary residence or an accessory structure. • When on-street parking permits are required, but not offered to the occupant of the Accessory Dwelling Unit. • When there is a car share vehicle located within one block of the ADU. • A garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU. • Conditioned space other than a garage is converted into a JADU. <p>* Please refer to our ADU Parking Map for more clarification</p> |
| Fire Sprinklers: | Required for the ADU if it is required for the main home. Required for detached ADUs greater than 1,200 square feet. Note: California Building Code requires 1-hour construction or fire sprinklers for ADUs that are located ≤ 5 feet from another structure. |
| Solar Power: | <p>Attached ADU: None required.</p> <p>Detached ADU: Required. The new California Energy Code requirements mandate photovoltaic (PV) solar installation for <i>new</i> detached ADUs built from the foundation up. However, the required solar panels may be installed on the primary home.</p> |
| Owner-Occupancy: | <p>ADU: No owner-occupancy requirement for any of the units on the property.</p> <p>JADU: The property owner must occupy either the remaining portion of the structure or the newly created JADU, unless the owner is another governmental agency, land trust, or housing organization. A deed notification must be recorded specifying this requirement.</p> |
| Rentals: | Long-term rentals (30 days or more) allowed. Short-term rentals prohibited. |
| Sale of ADUs: | ADUs may not be sold separately from the primary home in most cases. |

For the first time, state law allows ADUs in multi-family residential districts subject to the following development standards (*Government Code 65852.2*).

| Multi-Family Residential Districts Development Standards | |
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| Zoning District: | Any multi-family residential district. |

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| Maximum Height Detached: | 16 feet, 24 feet if the ADU meets the same setbacks applicable to the multifamily building. 18 feet if the lot has an existing or proposed multi-story, multi-family dwelling. *Height is measured from finished grade. |
| Maximum Height Attached: | 16 feet or the same height allowed for the multifamily building if the unit meets the setbacks applicable to the primary residence. 18 feet if located within one-half mile walking distance of a major transit stop or high quality transit corridor, with an allowance of two additional feet to accommodate roof pitch aligned with the multifamily building. *Height is measured from finished grade. |
| Allowable Number: | Homeowners may choose to pursue one of the following options (not both): a. <i>Option A: Attached ADUs</i> (converted from existing non-living space). <ul style="list-style-type: none"> • Minimum allowed: One (1) • Maximum allowed: 25% of the number of the total multi-family units (example: five converted ADUs are allowed in a 20-unit complex). ~ OR ~ b. <i>Option B: Detached ADUs</i> <ul style="list-style-type: none"> • Maximum allowed: Two (2) on lots with multi-family dwellings, subject to all development standards applicable to single family districts including maximum height and minimum setbacks. |
| All other development standards for ADUs in single-family residential districts apply. | |

READY TO GET STARTED?

The simple process is outlined below. Our Planning Division is ready to help guide you along the process, contact them at (925) 314-3310.

WHAT IS THE PROCESS?

- Step 1 **Come talk to the Town first.** Decisions such as pursuing an attached or detached ADU and deciding where to place it, have significant implications. While this is an *optional* step, we’d like to help inform your choices.

- Step 2 **Submit a Complete Application.** When you are ready, submit a building permit application with all required plans and documents. Lot surveys are required if proposed setbacks are less than 5 feet. Having all necessary documents will help us expedite the review process and minimizes our need to contact you, your designer or contractor for additional information needed to complete our review.

- Step 3 **Ministerial Review.** All ADUs are subject only to a staff-level review for compliance with applicable laws and standards. Typically, the review involves:
 - *Planning Division* to ensure that all applicable development standards are met.
 - *Building Division* to ensure that all California building and energy code requirements are met. Applicants who utilize one of the permit-ready Garden

Cottage Program plans qualify for an expedited review given that all plans have been pre-plan checked.

- *Engineering Division* (if applicable) to ensure that grading ordinance requirements are met for any ADU built on a slope or requires onsite grading. Staff will review conditions and will also confirm that the ADU will not infringe existing easements.

Note that ADUs are still subject to review and approval by other public agencies such as East Bay Municipal Utility District (EBMUD), Central Contra Costa Sanitary District (Central SAN), and San Ramon Valley Fire Protection District (SRVFPD).

Step 4 Building Permit Issuance. When all of the submitted plans have been reviewed and approved, your permit will be ready for “issuance.” At this point, one of our Permit Technicians will contact you to pick up your permit and pay applicable fees. Having a building permit in hand provides an “authorization to proceed” with construction.

Step 5 Construction and Inspections. Town inspectors will be onsite at various phases of building construction to ensure that the structure is built according to plan. Note that the person performing the work has the obligation to schedule all required inspections.

Step 6 Building Occupancy. Once construction has passed all the required inspections and obtained approvals from outside agencies, then a Certificate of Occupancy can be issued. You or your contractor may arrange to pick up the Certificate of Occupancy at the Danville Permit Center. Once your certificate is in hand, the ADU may be occupied.

WHAT PROPERTIES ARE LOCATED WITHIN ONE-HALF MILE OF PUBLIC TRANSIT?

This [interactive map](#) can be used to determine if a property is located within one-half mile of a major transit corridor. Properties located within this area may qualify for a reduced on-site parking requirement and an increase in the allowable height for a proposed ADU.

