



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

- **Setback and Height Requirements:**

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

- **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 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