



Planning & Building Department
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549
Tel. (925) 284-1976
www.lovelafayette.org

APPLICATION FOR ACCESSORY DWELLING UNIT PERMIT

Summary

On April 27, 2020, the City Council Adopted Ordinance 678, which updated Lafayette's regulations surrounding Accessory Dwelling Units (ADUs) to comply with recent changes in California state law. The intention behind the updates included in the new code are to simplify ADU design to streamline application review and approval. The Zoning Administrator shall approve an ADU permit for a Class C ADU that complies with the General Requirements in Section 6-563, and all the specific requirements included in the ADU Ordinance. The full Ordinance is included in this packet and may be found on the City's website at www.lovelafayette.org/planning > [Handouts](#) > [Accessory Dwelling Units](#).

The City has defined three classes of ADUs: Class A, Class B, and Class C. *This application is only required for Class C ADUs.* Class C ADUs are all ADUs that cannot be categorized as Class A or Class B ADUs, as defined below. Class C ADUs require both a building permit from the County Building Department and an ADU permit from the City. Classes A and B are approved for building permits over the counter without public hearings or discretionary review so long as the design meets the General Requirements included in the ordinance.

Class A ADUs

1. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might be established on the lot), if the detached ADU satisfies all of the following limitations:
 - a. The side- and rear-yard setbacks are at least four-feet.
 - b. The total floor area is 800 square feet or smaller.
 - c. The height is 16 feet or less.
2. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies all of the following limitations:
 - a. The side- and rear-yard setbacks are at least four-feet.
 - b. The height is 16 feet or less.

Class B ADUs

1. Converted on Single-family Lot: One ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an existing accessory building, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
 - b. Has exterior access that is independent of that for the single-family dwelling; and

- c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
2. Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling buildings that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling buildings, and multiple converted ADUs shall be permitted up to 25 percent of the number of existing multifamily dwelling units.



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INSTRUCTIONS TO APPLICANTS

GENERAL

A permit is required to establish a Class C accessory dwelling unit in a single-family or multi-family residential zoning district if the development does not meet the criteria of §6-560(d) of the Lafayette Municipal Code. An accessory dwelling unit (ADU) is defined as an attached or detached residential dwelling unit which provides complete independent facilities for living, sleeping, eating, cooking, and sanitation for one or more persons.

PROCEDURES

Pre-application: Prior to submitting an application for an accessory dwelling unit permit, the applicants should discuss their plans with Planning & Building Department staff to discuss the process and criteria for approval of an accessory dwelling unit.

Filing the Application: The applicant should carefully complete the attached application and be sure that all submittal requirements and all applicable fees are provided, which may include the Accessory Dwelling Unit application fee and Address Assignment fee. The application must be signed by the current property owner. A staff planner will check the application for completeness and prepare a file.

Permit Process: Within 60 days of deeming an application complete, the Zoning Administrator will ministerially approve or deny the application without discretionary review or public hearing. An application will be approved if the accessory dwelling unit meets the general provisions and the development standards under the heading “*Application for Accessory dwelling unit Permit – Submittal Requirements*”.

Appeal of Decision: Approval of an application for an accessory dwelling unit is ministerial without discretionary review or public hearing as long as the accessory dwelling unit meets the general provisions and the development standards contained in the ordinance. However, other applications that may accompany an accessory dwelling unit application, such as a tree removal permit, are discretionary. The processes for appealing a decision on a stand-alone accessory dwelling unit application (ministerial) and one which involves additional requests (public hearings) are provided below:

- An aggrieved person may appeal a decision to deny an ADU or JADU to the city manager. The appeal shall be in writing, filed with the planning director, and shall specifically set forth the decision appealed from and the grounds for the appeal. The appeal shall be filed within 14 days of the action to deny the ADU or JADU.

- The city manager shall review the appeal without a public hearing within 30 days of receipt of the written appeal. The city manager shall limit his or her consideration of the appeal to whether the ADU meets the general provisions in Section 6-563, and development standards in one of the following.

Deed Restriction: Prior to the issuance of a building permit for an accessory dwelling unit, the property owner must provide written proof to the Zoning Administrator that a covenant setting forth the following requirements has been recorded in the office of the Contra Costa County Recorder.

- A. The accessory dwelling unit shall not be sold separately;
- B. The ADU and/or JADU is restricted to the approved size and to other attributes allowed in the City's accessory dwelling unit ordinance (Ordinance No. 676);
- C. The deed restriction runs with the land and may be enforced against future property owners;
- D. The deed restriction may be removed if the owner eliminates the ADU or JADU per section 6-560(e)(8)(D);
- E. The ADU and/or JADU may not be rented for a term shorter than 30 days;
- F. For JADU only: The owner of the property must reside in either the JADU or in the primary dwelling on the lot as the owner's primary personal residence and legal domicile;

PERMIT EXPIRATION

The accessory dwelling unit permit is valid for 12 months from the date of approval unless a longer period is stated in the permit. If the applicant does not begin the work authorized by the permit by the expiration date, the permit shall expire.



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SUBMITTAL REQUIREMENTS CHECKLIST

The following is a list of minimum submittal requirements. Additional materials may be required at the discretion of the Planning staff. For all accessory dwelling unit permit applications, one (1) reduced set of plans (11" x 17") and one (1) electronic (PDF) set of plans by email or Dropbox (sent to planner@lovelafayette.org) shall be submitted for initial review unless otherwise specified in this checklist or by staff.

Once Planning Staff has reviewed the plans (within 30 days), the applicant will be notified of any necessary alterations to the plans, any additional submittals required, and the number and size of plans required for the review process. All plans shall be clearly and legibly drawn to scale (not less than 1" = 30'). Text and line work shall be clear and visible.

All plan sheets shall have a north arrow, scale, graphic (bar) scale, name of the project owner/proponent and name of the engineer, architect, or owner's representative, site address, and assessor's parcel number. All plans shall be dated; all revised plans shall include revision date and revised portions shall be clearly identified.

PART I – GENERAL PROVISIONS

Part I contains a list of the general provisions for accessory dwelling units. Check each box affirming that your proposed accessory dwelling unit meets these required general provisions. If your proposed accessory dwelling unit does not meet all provisions, then it may not be able to be approved.

YES N/A

- 1. An accessory dwelling unit can be 1) attached or detached from the primary unit, 2) the conversion of an existing living area within the primary unit, or 3) a conversion of an existing garage. An attached accessory dwelling unit would be one that is connected to the primary unit by common wall construction and under the same existing or new roof structure.
- 2. An accessory dwelling unit shall be accessory to the primary unit by being a smaller size and in a less visible location.
- 3. An owner of a property with a primary unit shall occupy either the primary unit or accessory dwelling unit as their primary residence. An owner may be absent from the

YES N/A

primary or accessory dwelling unit for up to 12 consecutive months for health, family, employment or military reasons.

4. An accessory dwelling unit is not intended for sale, but may be rented for no less than 30 days. An accessory dwelling unit shall not be allowed where streets, public utilities and other public services are inadequate to serve the unit.

5. An accessory dwelling unit shall comply with all current building, health and safety codes.

6. When an accessory dwelling unit is within the hillside overlay district, the accessory dwelling unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.

7. An accessory dwelling unit may not be located within 400 feet of the centerline of a class I ridge.

8. An accessory dwelling unit may not be located within 250 feet of the centerline of a class II ridge.

9. No portion of an accessory dwelling unit may be erected adjacent to a class I or class II ridge that is higher than a plane sloping downward at a declination of 15 degrees from the horizontal intercept of the ridge.

10. No portion of an accessory dwelling unit may be erected adjacent to a class III ridge that is higher than a horizontal plane that intercepts the ridge.

11. If new or altered construction is proposed as part of the accessory dwelling unit for a property located in the Hillside Overlay District then approval of a hillside development permit for the new or altered construction is required prior to a decision being made on the accessory dwelling unit application.

12. If a protected tree permit is requested, the application for the accessory dwelling unit shall not be considered until a decision is made on the protected tree application.

PART II – DEVELOPMENT STANDARDS

Part II contains a list of the development standards by which all accessory dwelling units are judged. Check each box affirming that your proposed accessory dwelling unit meets these required development standards. If your proposed accessory dwelling unit does not meet them, then it will not be approved.

YES NO

1. Maximum unit size. The floor area of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet . If an attached accessory dwelling unit is incorporated into the existing floor area of the primary unit, the floor area of the ADU shall not exceed 50% of the floor area of the existing primary dwelling unit.
4. The height of an accessory dwelling unit in a single family zoning district shall not exceed 17 feet in height or the maximum height of the primary unit, whichever is less.
5. The height of an accessory dwelling unit in other than a single family zoning district shall not exceed the height of the primary unit or the maximum height of the zoning district in which the primary unit is located, whichever is less.
6. The setback of an accessory dwelling unit shall meet the following requirements for each zoning district:
- i. R-6, R-10, R-12, R-15, D-1, M-R-A, M-R-B, M-R-O districts: at least 20 feet; on corner lots the principal frontage shall have a setback of at least 20 feet and the other setback shall be at least 4 feet.
 - ii. R-20, R-40, R-65 districts: at least 25 feet; on corner lots the principal frontage shall have a setback of at least 25 feet and the other setback shall be at least 4 feet.
 - iii. R-100 district: at least 30 feet; on corner lots, the principal frontage shall have a setback of at least 30 feet and the other setback shall be at least 4 feet.
 - iv. L-R-5 and L-R-10 districts: a minimum of 50 feet.
 - v. RB, C, SRB, C-1, PHC districts: 50 feet on the ground floor from frontages.
7. The side yards and rear yard of an accessory dwelling unit shall be no less than 4 feet.
8. An accessory dwelling unit shall have no more than two bedrooms.
9. The exterior design of an accessory dwelling unit shall substantially incorporate the same exterior design of the primary unit in terms of architectural style, architectural features, building materials and colors.
10. The entrance to an accessory dwelling unit shall not be located on the same side as the entrance to the primary unit. If an accessory dwelling unit is accessed by an outside stairway, the stairway shall not be on the same side as the entrance to the primary unit.
11. An accessory dwelling unit shall provide one off-street parking space per bedroom in addition to the number of parking spaces required for the primary unit, unless

exceptions are applicable under Chapter 6-560. A parking space shall be at least 10 feet by 20 feet, and may be open, covered or tandem.

- 12. An accessory dwelling unit shall be designed so that its exterior windows, decks and doors do not overlook directly the exterior or interior living areas of adjoining properties. A detached accessory dwelling unit shall be at least as close to the primary residence as it is to a primary unit or accessory dwelling unit on an adjacent property.
- 13. The subject property shall be accessible by emergency vehicles. Road access to the parcel shall be adequate. Consideration of adequate road access shall include road width, especially for passing purposes, sight distance and existing and potential traffic volume. The off-street parking for an accessory dwelling unit shall be accessed by the primary unit's existing curb cut(s).
- 14. When an accessory dwelling unit is within the hillside overlay district (H-O-D), the accessory dwelling unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.
- 15. A proposed accessory dwelling unit on property with a protected tree shall be required to obtain a tree permit and shall comply with the provisions of Chapter 6-17, Tree Protection, of the Lafayette Municipal Code.
- 16. When a primary unit's existing garage is proposed for conversion to an accessory dwelling unit, the required parking for the primary unit shall be satisfied elsewhere on the property.

PART III - GENERAL SUBMITTAL REQUIREMENTS

Check each box affirming submittal of the required item(s). The application will not be accepted for processing unless all pertinent information listed in this checklist is provided. The reason for the absence of any required items must be explained in the column "reason for non-submittal." The Planning & Building Department Manager must be satisfied as to the reason for non-submittal or the application will not be accepted.

REASON FOR NON-SUBMITTAL

- 1. Application form completed and signed by the current property owner.
- 2. Completed and signed Agreement to Pay for City Services.
- 3. Required application fee payable to CITY OF LAFAYETTE.
- 4. Context Map (minimum 1" = 50' scale) showing:
 - Property ownership.
 - Label and note the distance to structures on adjacent lots and identify any significant landscaping that may provide screening of views of the proposed accessory dwelling unit.
 - Indicate the approximate elevations of adjacent residences.
- 5. Site Plan (minimum 1" = 30' scale) showing:
 - Certified survey for development which encroaches within 5 feet of required setbacks. Proposed site plans shall be prepared upon the aforementioned survey.
 - Vicinity map.

REASON FOR NON-SUBMITTAL

- Existing natural land features and topography including the location of any Class I, Class II, or Class III ridgelines within the project boundaries. The topography shall be shown at a maximum of two foot contour intervals in the area to be developed.
- All property lines and dimensions and square footage of property. Show required setbacks.
- All public and private roads, rights-of-way, and easements, within and to the parcel, fully dimensioned. Indicate whether public or private.
- Existing street improvements (curb, gutter, sidewalk, extent of paving).

- Location and dimensions of all existing structures with dimensions to all property lines.
- Proposed building site(s) and footprint(s) of all proposed structures with dimensions to all property lines. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- Circulation plans for each vehicular and pedestrian way.
- All existing and proposed impervious surfaces, including but not limited to sidewalks, roofs, patios, stairs, pool decks, and driveways (shaded or hatched appropriately). Call out square footage of impervious surfaces on the site plan.
- Location and dimensions of existing and proposed fences and retaining walls with top-of-wall (TW) and bottom of wall (BW) spot elevations.
- Surveyed locations of each tree having a trunk of 4 or more inches in diameter at 4'6" above grade and within 100 feet of all construction and grading. The plan shall denote tree species, accurate drip lines, base of trunk elevations, and indicate with an "X" any trees proposed for removal. Limbs measuring 4 inches or greater that are at risk of damage or removal shall also be noted on the site plan.
- Proposed or altered landscaping.

REASON FOR NON-SUBMITTAL

- 6. Grading and Drainage Plans (minimum 1" = 30' scale) showing:
 - Existing and proposed contours shown and labeled. Contour lines shall have a maximum interval of two (2) feet. Extend contours a minimum of fifty (50) feet beyond property lines.
 - Anticipated grading for the development.
 - Note amount of cut, fill, import or export. Destination of exported earth shall be indicated on building permit application.
 - Significant drainage features including swales, creeks (with required creek setbacks shown in both plan and sectional view), and riparian habitat.
 - Existing and proposed drainage facilities including drainage ditches, discharge facilities, catch basins, and subsurface drainage pipes (closed and open), within and adjacent to the site. (See separate handout entitled "Drainage Plan Guidelines").

- Location of existing and proposed sanitary sewers and storm drain facilities.
- 7. Floor Plans (minimum 1/8" = 1' scale) showing:
 - All existing and proposed rooms clearly identified and labeled for each floor level.
 - All usable or potentially usable areas or spaces (including basements, attics, crawl spaces with significant headroom, lofts, accessory buildings, etc.).
 - All proposed decks, balconies, porches, garages/carports, etc.
 - Exterior and interior building dimensions.
 - Existing (E) and proposed (P) square footage of all usable or potentially usable areas.
 - Doors, windows, bay windows, chimneys, stairways, other architectural features.
 - All walls to be removed shall be clearly dashed, highlighted or otherwise indicated. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
 - For proposed additions, existing and proposed conditions shall be illustrated with two separate plan view drawings, done at the same scale.
- 8. Roof plan at same scale as, and superimposed over, grading plan with existing and proposed contours.
 - Elevation of each roof ridge above established datum shall be noted. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- 9. Elevations (minimum 1/8" = 1' scale) showing:
 - Fully dimensioned exterior elevations indicating both existing and proposed finished grade
 - Roof, doors, windows, trim, down spouts, and all other architectural features. Exterior wall, trim, and roofing materials and colors shall be indicated on plans, with manufacturers' specifications.
 - Retaining wall and fence elevations/profiles indicating heights, colors, and materials.

REASON FOR NON-SUBMITTAL

- All walls to be removed shall be clearly highlighted or otherwise called out. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- For proposed additions, existing and proposed conditions shall be illustrated with 2 separate elevation view drawings, done at the same scale, for each building elevation to be modified by the addition.
- Exterior lighting plans with representative cut sheets.
- 10. Cross sections (minimum 1/8" = 1' scale) coincident with critical roof ridges or site conditions. Locations where cross sections are taken shall be indicated on the site plan and/or floor plans. Indicate foundation, finished floor, and roof ridge elevations (above established datum).
- 11. Gross floor area. Indicate existing and proposed total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls. Gross floor area includes attached and detached primary and accessory structures, garages, carport roof coverage and space that is capable of being developed as habitable area.
- 12. Landscape plan. The following are minimum requirements for initial submittal. There may be additional requirements after review by the City Landscape Consultant or Staff.
 - The landscape plan must show existing and proposed topography.
 - Show all existing trees over 4" diameter and large shrubs; label with species and trunk diameter; show accurate dripline.
 - Show trees proposed to be removed with a prominent "X "; label with species and trunk diameter.
 - List and label all proposed planting as follows:
 - Trees – call out species and size to be planted
 - Shrubs - call out species and size to be planted
 - Groundcover – call out species, size and spacing
 - All other plants – may be shown and referred to in general terms
 - Exterior lighting plans with representative cut sheets.

REASON FOR NON-SUBMITTAL

Submit the relevant Water Efficient Landscape Ordinance (WELO) [Landscape Documentation Package](#) if landscaped area \geq 500 sq. ft.

13. Colors and Materials Board

If building colors and materials of the primary building or the building housing the accessory dwelling unit will not be changed, photographs of these existing structures showing colors and materials are sufficient.

If building colors and materials of the primary building or the building housing the accessory dwelling unit will be changed, then the colors and materials of walls, trim, roof, retaining walls, fences, etc., including color chips and manufacturers' specifications shall be shown. The color and materials board shall be 8.5" x 11" mounted on foam core or cardboard with a maximum thickness of 3/4".

14. Soils and geotechnical reports may be required at the discretion of the Planning and Building Services Manager or City Engineer. The reports must be specific to the proposed development site, and not simply boilerplate for the area where the subject parcel is located.

15. Preliminary title report. In order to determine the presence of easements or other factors affecting the location of improvements on the site, a preliminary title report, not more than six months old in the case of new residences, and not more than two years old in the case of additions and improvements outside of the existing footprints.

16. Other information as may be necessary for project analysis, as determined by the Planning & Building Department Manager and/or City Engineer.

SIGNATURE OF PREPARER: _____ DATE: _____

PRINT FULL NAME: _____