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## Accessory dwelling units ordinance regulation change

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Like many other municipalities, Moraga has now adapted its municipal code to make it easier for property owners to add secondary dwelling units to their residences. "Over the counter" permits will be given to build attached or detached units up to 800 square feet, unless the property is located in open space; conversion of existing space adding a new unit is permitted throughout the town.

This change is required by California law and aims at diversifying the types of lodging offered in Moraga and allowing owners to receive additional income.

The planning commission and the Moraga Town Council have worked with staff on this text for months.

State law now requires that municipalities make it easy for property owners to add secondary or accessory units to their homes, in keeping with the need for additional housing. Moraga has struggled to find ways to comply with state law while preserving some of its development and design requirements.

The new rules allow for transforming or adding a second unit to a property. The current owners must still live on the premises, either in the primary or the additional unit, unless it creates real hardship. The text also allows for a new type of unit, called a junior unit, which is contained in a home and can share a bathroom with the main home. Other units must offer independent living accommodations to one or more occupants.

Whether the unit is attached or detached, the owners must provide a parking space to the tenant.

Converting a portion of a home or already built structure on a property is permitted throughout Moraga, including structures on open space. The new unit has to provide an independent access, different from the main living unit. A garage, for example, can be converted, or an existing legally built barn. The council members noted that this could be a way to get around the need to get a special permit on open space lots, but decided that this should be regulated with another text.

Council members Teresa Onoda and Roger Wykle opposed the ordinance text because of the allowance to add some types of accessory units in open space. The ordinance nonetheless was passed.

The setback requirements are the same for new units as for the remaining property. Specific rules apply to the size of a new deck provided for a new unit, and for setbacks when a second floor is added, such as over a garage.

While it is possible for a property owner to add a unit on an open space lot, it will require a specific permit requiring public review.

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