

Chapter 11.30: Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

Sections:

11.30.010	Purpose and Enabling Authority
11.30.020	ADU Typology
11.30.030	Circumstances Under which Compliance is Not Required
11.30.040	Quantity of ADU or JADU Units Allowed
11.30.050	General Regulations for ADUs
11.30.060	Objective Development Standards for ADUs
11.30.070	Objective Design Standards for ADUs
11.30.080	General Regulations for JADUs
11.30.090	ADU and JADU Application Review and Approval
11.30.100	Impact Fee Waiver
11.30.110	Compliance with Building Codes
11.30.120	Energy Use and Generation
11.30.130	Density
11.30.140	Severability

11.30.010 Purpose and Enabling Authority

- A. The purpose of this Chapter is to provide an opportunity for the development of small units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident families, and to provide additional residential units in the City while still maintaining the residential character of the surrounding neighborhoods. This Chapter summarizes the requirements of Gov't Code § 66310 through § 66342 governing ministerial and streamlined approval of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and supplements these requirements with guidelines and procedures for processing applications under this law.
- B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 66310 through § 66342. In the event of any conflict between Gov't Code § 66310 through § 66342 and this Chapter, Gov't Code § 66310 through § 66342 shall govern.

11.30.020 ADU Typology

There are four types of ADUs:

- A. **Conversion ADU.** A new residential unit created by converting existing square footage in the primary dwelling unit or in accessory structure on a parcel.
- B. **Attached ADU.** A new residential unit that expands the size of an existing or proposed primary dwelling unit.

- C. **Detached ADU.** A new residential unit that is free-standing and physically separated from the primary dwelling unit.
- D. **JADU.** A new residential unit created by converting up to 500 feet of space contained entirely within a single-family primary dwelling unit, or its attached and enclosed garage. Regulations specific to JADUs are set forth in Section 11.30.080.

11.30.030 Circumstance Under Which Compliance is Not Required.

- A. Under no circumstance shall a requirement of this Chapter prohibit the development on one lot of one of the following:
 - 1. One JADU and either:
 - a. One Conversion ADU, or
 - b. One 800 square foot Detached ADU with at least four-foot side and rear yard setbacks, that meets the height requirements of this Chapter.
 - 2. Units as allowed in Section 11.30.040(B)
- B. Standards that prohibit the development described in this section shall be relaxed only to the degree needed to allow the development. All other standards shall continue to comply.

11.30.040 Quantity of ADU or JADU Units Allowed

- A. **Single Family Dwelling Unit.** For lots with an existing primary dwelling unit, one or all of the following shall be permitted:
 - 1. One Conversion ADU,
 - 2. One Detached or Attached ADU;
 - 3. One JADU.
- B. **Multifamily Unit(s).**
 - 1. Existing Multifamily Dwelling. For lots with an existing multi-family dwelling, one or both (a. and b. below) of the following shall be permitted:
 - a. Up to eight Detached ADUs, but shall not exceed the number of existing units on the lot;
 - b. A quantity of Conversion ADUs equal to 25% of the total number of existing units, but not less than one.
 - i Conversion ADUs are permitted in areas not currently used as livable space (e.g. storage rooms, boiler rooms, attics).

- ii Each Conversion ADU shall comply with Building Code standards for dwellings.
 - iii For any fractional Conversion ADUs, quantity of units shall be rounded down to the nearest whole number.
2. Proposed Multifamily Dwelling. For lots with a proposed multi-family dwelling, not more than two Detached ADUs.

11.30.050 General Regulations for ADUs

- A. **Approval Process.** ADUs shall be permitted ministerially and without discretionary review, subject to the requirements of Section 11.30.090 of this Chapter.
- B. **Occupancy and Conveyance.**
 - 1. There are no owner-occupancy requirements for an ADU.
 - 2. No ADU shall be rented for a period less than 30 days.
 - 3. Except as provided in Gov't Code § 66341, ADUs shall not be sold or otherwise conveyed separately from the primary dwelling unit nor shall any subdivision of the land separating the ADU and the primary structure be permitted.
 - 4. No certificate of occupancy for an ADU shall be issued before a certificate of occupancy has been issued for the primary dwelling unit.
- C. **Permitted Locations.** ADUs are permitted on any lot zoned to allow single-family or multi-family residential use that includes an existing or proposed primary dwelling unit, including Single-Family, Multi-Family, Mixed-Use, and residential Planned Development zoning districts, subject to the requirements of this Chapter.
- D. **Residential Conversion.** An existing residence may be converted to an ADU in conjunction with development of a new primary dwelling unit, so long as the new primary dwelling unit meets required development standards of the zoning district.
- E. **Modifications.** An existing ADU may be enlarged or modified only in accordance with the requirements of this chapter.

11.30.060 Objective Development Standards for ADUs

The following development standards shall apply to ADUs, as specified.

- A. **Minimum Unit Size.** An ADU may not be less than 150 square feet in size or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code § 17958.1, as may be amended from time to time.
- B. **Maximum Unit Size.**
 - 1. **Detached ADU.**

- a. 850 square feet for an ADU with one or fewer bedrooms.
 - b. 1,000 square feet for an ADU with more than one bedroom.
2. **Attached ADU.** An attached ADU may not exceed 50% of the floor area of an existing or proposed primary dwelling unit on a lot. For the purposes of this section, floor area does not include attached garages or accessory structures. In no case shall this standard restrict an ADU of at least the following sizes:
- a. 850 square feet for an ADU with one or fewer bedrooms.
 - b. 1,000 square feet for an ADU with more than one bedroom.
3. **Conversion ADU.** Maximum unit size is not regulated for a Conversion ADU that is within the space of an existing or proposed primary dwelling unit or accessory structure, except that a Conversion ADU may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing structure to accommodate ingress and egress to the new ADU, irrespective of underlying zoning standards.

C. Setbacks.

1. **Detached ADU.**

- a. Front: 15 feet minimum or as required by the underlying zoning district, whichever is less.
- b. Side/Rear/Street Side: 4 feet minimum.

2. **Attached ADU.**

- a. Front: 15 feet minimum, or as required by the underlying zoning district, whichever is less.
- b. Side/Rear/Street Side: 4 feet minimum.

3. **Conversion ADU.**

- a. No additional setbacks beyond existing conditions if the setbacks comply with all applicable state and local building codes related to fire and safety. No additional setbacks for ADUs built in the same location and to the same dimensions as a permitted and existing accessory structure with setbacks that are sufficient for fire and safety.

D. Building Separation.

1. A Detached ADU shall be at least five feet from all structures on a lot, except:
 - a. Detached ADUs may be attached to detached garages or other accessory structures.

- b. Within one-half mile walking distance of public transit (includes local bus stops and ACE train).
 - c. Within a historic preservation overlay district or located on a property where the primary residence has a National Register status of 1, 2, or 3 or any property identified as “Significant” or “Potentially Significant” on the City’s Historic Resources Inventory.
 - d. When an on-street parking permit is required but not offered to the occupant of the ADU.
 - e. When a documented car-share vehicle parking is located within one block.
- 4. When a garage, carport, covered parking structure, or uncovered parking space is demolished or converted in conjunction with the construction of an ADU or JADU, replacement parking is not required.
 - 5. A garage and ADU may be attached, provided the garage meets all Development Code Accessory Structure standards.
- I. **Location.** ADU shall be located to the rear of the primary dwelling unit.

11.30.070 Objective Design Standards for ADUs

A. Unit Access.

- 1. **All ADUs.** Shall have a separate exterior entrance from the primary dwelling.
- 2. **Detached ADU.** Access shall not be on a street-facing elevation.
- 3. **Attached ADU or Conversion ADU.** Access shall not be on the front elevation of the primary dwelling unit.
- 4. **Attached ADU.** May have, but is not required to have, an interior entry to the primary dwelling unit, so long as the entry contains a lockable door on each side.

B. **Stairways.** New stairways shall be completely enclosed as part of the interior of the structure, except for an existing stairway. All enclosed stairways shall be counted towards the ADU’s floor area.

C. **Privacy.** New balconies, roof decks, and decks over two feet above grade are prohibited.

D. Materials and finishes.

- 1. **Detached ADU.** Building roof materials, exterior finish material, and exterior color shall match the existing or proposed primary dwelling unit, and the building roof form and window and door type shall be architecturally compatible to the existing or proposed primary dwelling

unit. (For example, if the primary dwelling contains a shingle roof and lap siding, then the ADU shall contain a shingle roof and lap siding.)

2. **Attached ADU.** Building roof materials, exterior finish material, and exterior color shall match the existing or proposed primary dwelling unit, and the building roof form and window and door type shall be architecturally compatible to the existing or proposed primary dwelling unit. (For example, if the primary dwelling contains a shingle roof and lap siding, then the ADU shall contain a shingle roof and lap siding.)
3. **Conversion ADU.** Not applicable.

E. **Historic Resources.** The following additional standards apply to properties identified as “Significant” or “Potentially Significant” on the City’s Historic Resources Inventory.

1. Attached ADUs are prohibited.
2. A Certificate of Appropriateness shall not be required to approve or deny an ADU or JADU. However, modifications to the historic resource shall be ministerially evaluated through the ADU Building Permit using the practices outlined in Chapter 9.02 of this Development Code.

11.30.080 General Regulations for JADUs

A. **Approval Process.** JADUs shall be permitted ministerially and without discretionary review, subject to the requirements of Section 11.30.090 of this chapter.

B. **Occupancy and Conveyance**

1. Owner-occupancy is required in the structure in which a JADU is permitted. The owner may reside in either the primary dwelling unit portion of the structure or the JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
2. No JADU shall be rented for a period less than 30 days.
3. JADUs shall not be sold or conveyed separately from the primary dwelling unit.
4. No certificate of occupancy for a JADU shall be issued before a certificate of occupancy has been issued for the primary dwelling unit.

C. **Location.** A JADU shall be contained entirely within an existing or proposed primary dwelling unit.

D. **Size**

1. A JADU shall not exceed 500 square feet in size.
2. A JADU shall not be less than 150 square feet in size or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

E. Utilities and Facilities

1. All utilities shall be shared with the primary dwelling unit, no separate meters or panels are permitted.
2. Sanitation facilities, such as bathrooms and sinks, may be shared with the primary dwelling unit, or the JADU may include separate sanitation facilities.

F. Entrances

1. A separate exterior entrance to the JADU is required and may not be on the front elevation of the primary dwelling unit.
2. A JADU may include an interior entry to the primary dwelling unit. A second interior door may be included for sound attenuation. If a permitted JADU does not include its own separate sanitation facilities, the JADU shall include an interior entry to the primary dwelling unit to share sanitation facilities, and the sanitation facilities shall be accessible by the JADU resident.

G. Kitchen. A JADU shall include an efficiency kitchen as defined by Gov't Code Section 66333, which shall include all of the following:

1. A sink, cooking appliances, a refrigerator, a food preparation counter, and storage cabinets.

H. Deed Restriction.

1. A deed restriction, which shall run with the land, shall be filed with the City, and shall include:
 - a. A statement that the sale of the JADU separate from the sale of the primary dwelling unit is prohibited,
 - b. A statement that the deed restriction may be enforced against future purchasers,
 - c. A statement that owner-occupancy is required in the structure in which a JADU is permitted. This is not required if the owner of the primary dwelling is a governmental agency, land trust, or housing organization, and
 - d. A statement restricting the size and attributes of the JADU to those permitted by State Law.
2. The deed restriction document shall be submitted with the initial building permit application and shall be recorded with the Alameda County Recorder prior to the final building inspection.

I. **Parking.** No off-street parking space is required for a JADU.

J. **Address.** A separate address shall not be issued for any JADU.

11.30.090 ADU and JADU Application Review and Approval

- A. **Approval Timelines**
1. If there is a primary dwelling unit or multi-family dwelling unit on the lot, an application for an ADU or JADU shall be approved or denied ministerially without discretionary review or a hearing.
 2. The application shall be processed within sixty (60) days after receiving a complete application unless the applicant requests a delay.
 3. If the application for the ADU or JADU is proposed in conjunction with an application for a new primary dwelling unit, the application shall be processed after the application for such primary dwelling unit.
- B. **Pre-Approved Plans.** If an applicant utilizes one of the following plans in their application for a Detached ADU, the completed application shall be ministerially approved or denied within thirty (30) days:
1. A plan for an ADU that has been preapproved by the City within the current triennial California Building Standards Code rulemaking cycle.
 2. A plan that is identical to a plan used in an application for a Detached ADU approved by the City within the current triennial California Building Standards Code rulemaking cycle.
- C. **Findings of Denial.** If an application for an ADU or JADU is denied, a full set of written comments shall be supplied to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.
- D. **Approval by Inaction.** If a complete application for an ADU or JADU is not approved or denied within 60 days (unless a delay has been requested by the applicant), the application shall be deemed approved.
- E. **Building Permit Required.** ADUs and JADUs require a building permit issued in conformance with all Building Codes and this chapter.
- F. **Demolition Permit.** A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

11.30.100 Impact Fee Waiver

No impact fee shall be assessed upon the development of an ADU less than seven hundred fifty (750) square feet or any JADU. Impact fees charged for an ADU of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

11.30.110 Compliance with Building Codes

- A. **Fire Sprinklers**
1. Fire sprinklers are required for Attached and Detached ADUs when the primary dwelling unit has fire sprinklers or is required to be fire sprinklered.

2. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit, unless an attached ADU exceeds 50 percent of the size of the Primary Dwelling Unit.
- B. **Foundation Type.** New ADUs must be built on a continuous foundation as prescribed by the building code or a continuous foundation designed by a CA registered engineer. Pre-manufactured ADUs must be anchored to a continuous foundation as prescribed by the building code or anchored to a continuous foundation designed by a CA registered engineer.
 - C. **Utilities.** All ADU utilities, including water, sewer, and power, shall be connected to the Primary Dwelling Unit. Separate ADU utility connections are not permitted.
 - D. **Building Code Violations or Non-Conforming Zoning Conditions.** No application to create an ADU or JADU shall be denied due to the presence of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the ADU or JADU.

11.30.120 Energy Use and Generation

- A. If an ADU is being constructed on a lot with an existing primary dwelling unit that uses natural gas, then the ADU can also connect a natural gas service line. If no natural gas service to the primary dwelling unit exists, no gas service shall be provided to the ADU.
- B. Newly-constructed, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar photovoltaic systems (some exceptions apply, Applicant to consult code for confirmation).

11.30.130 Density

An ADU or JADU built in conformance with this chapter does not count toward the allowed density for the lot upon which the unit is located.

11.30.140 Severability

If any section, subsection, clause, or provision of this code is held to be invalid or unenforceable, the remainder of this code shall remain in full force and effect.