



ACCESSORY DWELLING UNITS (ADUs)

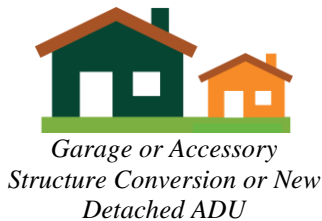
1. What is an Accessory Dwelling Unit (a.k.a. *granny flat, in-law unit, second unit*)?

"Accessory Dwelling Unit" (ADU) is a permanent residential dwelling unit providing complete independent living facilities for one or more persons, and is accessory to an existing or proposed primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following:

- a) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.*
- b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.*
- c) A Junior ADU (JADU), as defined in Section 65852.22 of the Government Code.*

2. Is there more than one kind of ADU?

Yes. An ADU may be created by constructing a new detached structure or an addition, or by converting the existing permitted interior space of a primary residence or accessory structure into an ADU. Effective January 1, 2020, properties containing one single-family dwelling will be allowed one attached Junior ADU in addition to one new detached ADU, and properties containing multiple dwellings may be allowed multiple ADU units, subject to specified conditions and requirements described in #7 and #9.



*Refer to #4 through #9
for conditions, requirements and
development standards.*

3. Why allow ADUs?

ADUs create affordable rental housing by putting more rental units on the market, provide an additional source of income for homeowners and allow more options for extended families to reside on a single property. California Government Code Section 65852.2 requires local governments to ease requirements and expedite local permitting processes associated with ADUs. State law is subject to change and these requirements may be updated accordingly.

4. Where are ADUs permitted?

ADUs are permitted in any zoning district that allow single-family or multifamily residential use. ADUs may be denied if their creation would have a negative impact on traffic flow or public safety, or if adequate water and sewer service is not available, as determined by the Planning Director.

5. Do ADUs require off-street parking?

- a) No additional parking is required when:*
 - Property is within ½-mile walking distance of public transit*
 - Property is within an architecturally and historically significant historic district*
 - ADU is entirely within the existing interior space of the primary residence or accessory structure (e.g. sheds, garages, carports, covered parking structures, etc.)*
 - On-street parking permits are required but not offered to the ADU occupant*
 - A car share vehicle is located within one block of the ADU*
- b) For attached or detached ADUs requiring new construction (e.g. a new accessory building or an addition), one parking space is required per unit or per bedroom, whichever is less. These spaces may be located in setback areas or provided through tandem parking on a driveway.*

6. What other rules apply to ADUs?

- a) ADUs and JADUs may not be rented for a period of fewer than 30 days.
- b) ADUs and JADUs may not be sold or conveyed separately from the main residence.
- c) Owner occupancy of the property is not required for standard ADUs. However, JADUs are subject to owner-occupancy requirements described in Gov. Code Sec. 65852.22.(a)(2).
- d) ADUs shall match the exterior material, color, and roof form of the permitted primary dwelling structure.
- e) ADUs shall appear subordinate to the existing primary dwelling in terms of size and location.
- f) Newly constructed, detached ADUs must be located completely behind the permitted primary dwelling, 75 ft away from the front property line or rear half of the lot. However, this requirement does not apply to ADUs located in Agricultural (Ag) District.
- g) Exterior access is required for ADUs and JADUs.
- h) ADUs contained entirely within an existing permitted, detached accessory structure may be allowed an expansion of no more than 150 sq. ft. beyond the same physical dimensions as the existing detached accessory structure. The expansion is limited to ingress and egress purposes only.
- i) Newly constructed ADUs over 800 sq. ft. are subject to additional development standards, such as lot coverage and building separation of 10 ft from the primary dwelling for detached ADUs, as set by Alameda County Code Section 17.30.110.
- j) Minimum setbacks of 4 ft from the side and rear lot lines are required for new construction ADU of any size, both attached and detached.
- k) For ADUs contained entirely within an existing, permitted, single-family residence or related accessory structure, with no change in building volume, the minimum setbacks are whatever is required for fire and safety.
- l) In Agricultural (Ag) Districts, where allowed, ADUs shall be located on the same building envelope as the existing or proposed primary dwelling. Any exceptions will require a Site Development Review permit.
- m) Agricultural (Ag) District parcels are subject to East County Area Plan (ECAP) limitations as applicable.

7. Development Standard Requirements by ADU Type

ADU Type	Description	Maximum Unit Size	Setbacks and Height Limits
Junior ADU (JADU)	JADUs are created by converting existing, permitted floor area (including attached garage) contained entirely within an existing or proposed single-family dwelling. No detached JADUs are allowed. The property owner may also build a new detached ADU.	500 sq. ft. for JADU -AND- 800 sq ft for Detached ADU (optional) (See #9 for more requirements)	JADUs are contained entirely within the single-family dwelling (including attached garage), and are subject to the same setbacks and development standards as the primary zoning district
Attached ADU	New construction addition OR conversion of permitted interior space contained within an existing primary residence or related accessory structure	All new construction ADUs, <u>attached and detached</u> , are subject to the maximum unit sizes: 850 sq ft (one bedroom or less) - OR - 1,000 sq ft (more than one bedroom) - OR - 1,200 sq.ft. for properties in Ag zoning, regardless of bedroom count	Minimum setbacks 4 ft side yard and rear yard for ALL new construction ADUs of any size, attached and detached. - - - Detached ADUs over 800 sq ft must provide a minimum 10 ft separation from the primary house, and 6 ft from accessory structures. - - -
Detached ADU	New freestanding structure OR detached accessory structure conversion		
Multifamily ADU(s)	Conversion of non-livable portions within the existing multifamily dwelling and/or two (2) new detached ADUs. Total number of ADUs shall not exceed 25% of existing multifamily dwelling units (e.g. 20-unit apartment complex is allowed up to 5 ADUs, 2 of which may be detached. A duplex (2-unit) and triplex (3-unit) would only be allowed up to 1 ADU).	ALL ADUs over 800 sq ft shall <u>not exceed 50%</u> of the primary dwelling living area - - - ADUs created by <u>conversion</u> are allowed up to 1,000 sq ft as long as it does not exceed 50% of the primary dwelling area; ADUS created by conversion on Ag zoning are allowed conversions of up to 1,200 sq ft. A Site Development Review is required for ADUs wishing to exceed the above standards. See notes below.	New construction detached ADU limited to 16 ft, one-story - - - New construction attached ADUs are allowed same height as main house (80% second story rule applies)

***Notes regarding Site Development Review:**

For parcels in the R-1 and Ag zoning districts, and other zoning districts based on R-1 or Ag (including but not limited to PD and R-S) that have one single-family house on the property, a Site Development Review is required to approve the following, without regard to lot size:

- a) New construction detached ADUs over 16 ft. in height and/or over 1,000 sq. ft. in area.
- b) However, the threshold is 1,200 sq.ft. maximum floor area before an SDR is required for properties in Ag zoning;
- c) Attached ADUs that are new construction or conversion over 1,000 sq. ft. in the R-1 zoning district that do not exceed 50% of the floor area of the primary residence;
- d) All ADUs created by conversion that exceed 16 ft. in height and/or 1,000 sq ft in area and/or exceed 50% of the floor area of the primary residence. However, the threshold is 1,200 sq.ft. maximum floor area before an SDR is required for properties in Ag zoning.

***** Please see Handout for Site Development Review for Accessory Dwelling Units (ADUs). *****

8. Is there a limit to how many ADUs can be on the same street or in the same neighborhood?

No. The State does not allow a local agency to place density limitations on ADUs.

9. Is there a limit to how many ADUs can be on the same property?

- a) *Properties containing one existing or proposed single-family dwelling are allowed one ADU and/or Junior ADU (JADU). JADUs are converted from existing floor area (including attached garage) contained entirely within a single-family dwelling. No detached JADUs are allowed. JADUs can be up to 500 sq. ft. and must include an efficiency kitchen. Some JADUs have their own bathroom, while others share with the primary dwelling. In addition to the JADU described above, the property owner may also build a new detached ADU that does not exceed 800 sq. ft. or 16 ft. in height. JADUs require owner-occupancy and deed restriction. Please refer to Gov. Code Sec. 65852.22 for the full requirements.*
- b) *Properties containing multiple dwellings (e.g. duplexes apartments, condos, townhomes, etc.) are allowed up to 25 percent of the existing multifamily dwelling units, with at least one ADU guaranteed. Multiple ADUs may be created by constructing a maximum of two (2) new detached ADUs and/or converting non-livable portions of existing multifamily dwelling structures (e.g. storage rooms, boiler rooms, passageways, attics, basements, garages, etc). For example, a duplex (2-unit) would be allowed one ADU at most, whereas a 20-unit apartment building would be allowed up 5 ADUs, 2 of which may be detached and the rest shall be created by conversion of non-living space.*

10. What type of permits are required for an ADU?

- *A building permit is required for any new construction or building alterations.*
- *Solar panel installation requirements may apply. Please inquire with the Building Department.*
- *If the proposal involves any work in the public right-of-way, you will need to obtain an Encroachment Permit.*
- *If the proposal requires extensive grading, a Grading Permit may be needed.*
- *If the ADU requires a new sewer connection, the sanitary district with jurisdiction over the new ADU may have applicable fees and permit requirements.*
- *If the new ADU involves a new septic system, a permit from the Alameda County Environmental Health Department will be required.*
- *Depending on the specific proposal, other permits may be required, such as water, electrical, gas or Site Development Review permits. See handout - Site Development Review for ADUs.*

11. Are there Planning fees associated with the creation of a new ADU?

- *ADUs that are contained entirely within an existing, permitted residence or related accessory structure, with no change in building volume, are not subject to any Planning fees.*
- *ADUs that require construction of an addition or new detached building and are 750 sq ft or larger in size, are subject to a Park Dedication fee.***
- *New construction ADUs wishing to exceed the maximum building height and/or unit size, as described in #7, are subject to a Site Development Review fee.***
- ***Please see Zoning Counter staff for the appropriate fee amounts.*
- *Please contact other agencies for their application and/or impact fees.*

12. Are the current ADU requirements permanent?

No. The above interim requirements meet the minimum requirements of State laws effective January 1, 2020.

For updates and more information, please visit the following webpage for more information

<http://www.acgov.org/cda/planning/landuseprojects/secondary-units.htm>

Link to State law:

ADUs:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65852.2

Junior ADUs:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65852.22

Useful Contact Information:

Planning Department (510) 670-5400

Public Works Agency

Building Permits and Solar: (510) 670-5440

Non-Building Permits (510) 670-5868

(Encroachment, Grading, Residential Parking, and Stormwater)

Water Service

East Bay MUD: (510) 287-1008

Zone 7: (925) 454-5000

Cal Water: (408) 367-8200

Fire Department

Alameda County Fire: (510) 670-5853

City of Hayward Fire: (510) 583-4900

Environmental Health

Septic System Permits: (510) 567-6700

Sanitary Service

Alameda County: (510) 567-6700

Oro Loma: (510) 276-4700

Castro Valley: (510) 537-0757