

GENERAL QUESTIONS

What is an “Accessory Dwelling Unit”?

ADUs are also known as second units, in-law units, or granny units. An ADU may be created via the following methods:

1. Building a new detached accessory structure
2. Converting an existing accessory structure
3. Building an addition attached to the primary dwelling
4. Converting space in the primary dwelling (e.g., basement)
5. Junior ADU: Similar to repurposed space but meets specific requirements and specifications for a Junior ADU prescribed by state law.

What’s new in the world of ADUs?

On January 1, 2020, new laws in California came into effect that reduce barriers and streamline the approval process for ADUs. ADUs are now permitted on multifamily lots and mixed use zones, and until January 1, 2025, the applicant is not required to be an owner-occupant of the property.

Where are ADUs allowed?

ADUs are permitted on properties that are zoned to allow residential use.

How many ADUs are allowed?

Single Family Lot: On a lot with an existing or proposed single family dwelling, one (1) ADU and one (1) Junior ADU are allowed.

Multifamily Lot: On a lot with an existing multifamily dwelling structure (3 units or more), multiple attached ADUs are allowed up to 25% of the number of existing units. Attached ADUs must be created through the conversion of area not used as livable space, such as, storage rooms, boiler rooms, passageways, attics, basements, or garages. A maximum of two (2) detached ADUs are also allowed on a lot with an existing multifamily dwelling structure.

Who may apply for an ADU?

The applicant for an ADU must be the current owner of the property. The ADU application process requires the owner’s signature on the application.

Can I use my ADU as a short term rental (e.g., AirBnB)?

No, ADUs may not be rented out for periods of less than 30 days.

Can I subdivide my property and sell the ADU?

No, ADUs must remain on the same lot as the primary dwelling.

Can I demolish my garage to build an ADU?

Yes, an existing garage may be demolished to make room for a new ADU. However, if the garage that is proposed to be demolished was constructed prior to 1942, a Certificate of Approval

permit is required from the Planning Division. The Certificate of Approval must be obtained prior to applying for the ADU building permit.

DEVELOPMENT STANDARDS

Are ADUs subject to lot size requirements and density limitations?

No, any lot that is zoned residential or mixed-use and has one single-family dwelling or a multifamily dwelling structure is eligible for an ADU.

Are there restrictions on the size of an ADU?

The total floor area of an ADU cannot exceed fifty percent (50%) of the floor area of the primary dwelling or 1,200 square feet, whichever is less. Floor area is defined as the interior areas of a dwelling unit with ceiling heights of 7 feet or more including basements, storage rooms, and attics but does not include a garage. There are two exceptions to the 50% size limit: (A) Studio or one bedroom units may be 850 square feet (B) Units with two bedrooms or more may be 1,000 square feet.

Is there a limit on the number of bedrooms in an ADU?

No, but bedrooms must conform to standard building code requirements such as minimum size and minimum window egress requirements. Refer to the California Building Code or consult a qualified building professional for more information about building code requirements.

Am I required to create a new parking space on my property for the ADU?

No, unless the ADU is located on Creedon Circle. State law waives any parking requirement for ADUs when it is within a half-mile distance from a transit stop. All of Alameda is located within a half-mile distance of transit except some locations on Creedon Circle. If your property is on Creedon Circle, please consult with a Planner prior to submitting your application.

May I convert my garage into an ADU?

Yes, it is possible to convert an existing garage to an ADU, and the parking space(s) do not have to be replaced onsite. However, if you choose to replace existing parking space(s), they must meet City requirements for parking space dimensions, backup area, and landscaping. The relocated parking spaces also cannot be located in any of the front yard or the street side yard on a corner lot. These rules ensure that the parking space is usable and provide adequate room for vehicle maneuverability. The California Building Code also has requirements for converting non-habitable space to habitable space. Refer to the California Building Code or consult a qualified building professional for more information about building code requirements. If the ADU is attached to a garage then fire resistive construction will be needed between the garage and the ADU.

Is there a height limit on detached ADUs?

Yes. ADUs may be up to 16 feet tall. The 16-foot height limit is measured from the ground to the ridge of the roof. The building walls also cannot exceed 10 feet tall unless the property is located within a specially-designated FEMA Flood Zone that requires an elevated living area. If your property is within a FEMA Flood Zone, please consult with a Planner prior to submitting your application.

May I build a second story above the garage in my backyard for an ADU?

No, detached ADUs are limited to a single story.

May I build a floor under the roof of my detached ADU to create a second level of living space?

No, because that added floor would create a second story, which would exceed the one story limit for accessory buildings. If you wish to create attic storage, consider shelving or overhead spaces that do not create another floor above.

Are there setback requirements for detached ADUs?

Yes. Generally, the structure must maintain a minimum four (4') foot setback from side and rear property lines. However, if the structure is more than seventy-five (75') feet from the front property line, this requirement does not apply.

Are detached ADUs required to install fire sprinklers?

A detached ADU only needs to install fire sprinklers if the primary dwelling on the property has fire sprinklers.

Are there lot coverage requirements for detached ADUs?

Yes, like accessory buildings, ADUs cannot cover more than 40% of the rear yard setback area or 400-square-feet, whichever is greater. The rear yard setback is the area measured 20' from the rear property line for lots that are 100' deep. For lots that are less than 100-feet deep, the rear yard setback is 20% of the lot depth, but no less than 12 feet. There is an additional requirement, the total area of impervious surfaces cannot exceed 60% of the lot area. Impervious surfaces include driveways, patios, other paved areas, and structures.

Rear Yard Coverage Example 1:

A 50' x 100' lot has a required rear yard setback area of 1,000-square-feet (20' depth x 50' width). The ADU cannot cover 40% or 400 square feet of the setback area.

Rear Yard Coverage Example 2:

A 40' x 100' lot has a required rear yard setback area of 800-square-feet (20' depth x 40' width). The ADU may cover 400 square feet of the setback area, even though it is greater than 40% of the required rear yard setback area. This is because the code requirement provides for the "greater" of the two, 40% or 400-square-feet.

I would like to pave my backyard with grass pavers and other permeable pavers. Would pavers count toward the maximum limit of 60% impervious area?

This standard is to ensure that there are landscape and vegetation areas on residential lots. The use of grass pavers and other permeable pavers/blocks depends on the applicant's ability to provide the manufacturer's specifications on the permeability of the material.

JUNIOR ADUs

What is a Junior ADU?

State law allows a special type of ADU called a Junior ADU (JADU). A JADU must be created from an existing bedroom and located entirely within the existing walls of an existing single family home. The JADU may have a separate entrance from the main dwelling and its own kitchen, but the JADU must be less than 500 square feet in size. A private bathroom is not required as long

as that the JADU has full access to a bathroom in the primary dwelling. No off-street parking is required.

APPLICATION PROCESS

What are the steps to obtaining permits for an ADU?

1. Apply for ADU permit from the Building Division
2. Include the ADU Checklist with your application
3. Record a Declaration of Restrictions at the Alameda County Recorder's Office
4. Begin construction once a permit is issued
5. Call for building inspections
6. Receive a Certificate of Occupancy

What happens during review of an ADU permit application?

The Planning Division will review the design of the ADU to ensure that it complies with all requirements such as size, height, location, and setbacks. The Building Division will review the plans for conformance with the California Building Code. Applicants will be notified in writing (via a "Hold Notice") if additional information or corrections to the plans are necessary.

Is neighborhood notification required when adding an ADU?

No, there is no public notification as part of an application for an ADU, and under state law, the ADU permit process limited to ministerial review.

How long is the permit review for an ADU?

The length of building permit plan review depends on the quality and completeness of the plan drawing. If the initial submittal conforms to all building codes and requirements, the City review may be completed within 30 days. However, if the City finds that corrections and revisions are needed, the length of review may increase.

PERMIT FEES

How much are the permit fees for an ADU?

Permit fees vary primarily based on ADU size and project valuation. Other factors can affect the cost of the permit, including but not limited to, other work that may be necessary to facilitate an ADU project, the quality of the plan submittal, and incomplete drawings that require multiple rounds of City review. Please check with the Permit Center for actual fees for your application.

[2019 Fee Examples:]

Convert existing 224 sf garage to ADU
Valuation: \$40,000; Permit Fees: \$3,163

New construction of 400 sf detached ADU
Valuation: \$120,000; Permit Fees: \$7,533

Convert existing bedroom and utility room to JADU
Valuation: \$35,000; Permit Fees: \$3,545

Convert existing basement into 955 sf ADU and 450 sf storage area.
Valuation: \$86,000; Permit Fees: \$9,110

Do development impact fees apply to ADUs?

No, while ADUs are separate dwelling units, they are accessory uses to a primary residence and development impact fees do not apply.

BUILDING-RELATED QUESTIONS

Can I add an ADU to my garage but keep the garage door and use the space for parking when the ADU is not in use as living space?

No, ADUs and garages are subject to different requirements under the building code and therefore the two uses (occupancy types) cannot be commingled. The codes and regulations exist to protect the safety of building occupants. In this case, the possibility of a person sleeping in the same enclosure as a running vehicle presents a serious safety hazard.

Are there requirements for separate utility connections as part of creating an ADU?

Alameda Municipal Power requires a separate electric meter for detached ADUs. An applicant may choose to apply for separate utilities but should be aware of the additional costs and permits for the voluntary work.

Can I request a separate address for the ADU?

A separate address will be assigned by the City's Building Official for the ADU as part of the building permit submittal. Applicants do not need to make a separate request.

I am building an attached ADU for a family member, and I want direct access between the primary dwelling and the ADU. May I simply connect the two units with a door between the units?

The California Building Code requires that residential units be separated by a one-hour-rated fire separation. This is true for a two unit building as it is for a multi-unit building. In neither case can a door open directly between the units, because such an opening would pierce the fire separation. Should you wish to design the ability of going from one unit to another without leaving the building, then the design needs to include a common area that is accessible by two units, for instance, a hallway in an apartment building.

Alternatively, you may consider a Junior ADU, which is more conducive to family situations sharing common facilities but has different requirements. See section on Junior ADUs above.

SAMPLE ADU SCENARIOS

The size of an ADU shall not exceed 1,200 square feet (sf) or more than 50% of the floor area of the primary dwelling, whichever is less. There are two exceptions to the 50% size limit: (A) Studio or one bedroom units may be 850 square feet, and (B) Units with two bedrooms or more may be 1,000 square feet.

Scenario 1 - Detached ADU

Angela's home is 1,200 square feet in size. She wants to build a detached ADU in her backyard with one bedroom. The maximum size of her detached ADU would be 850 square feet.

Angela's situation qualifies for an exception to the 50% size limit.

Scenario 2 - Converting an Existing Accessory Structure to an ADU

Dan's home is 1,000 square feet in size. He has an old, 400 square-foot two-car garage in his backyard that he wants to convert to an ADU. He would be able to convert the entire garage to an ADU because the area of the garage-converted ADU is less than 50% or 1,200 sf of his home.

Scenario 3 - Expanding the Primary Dwelling to Create an Attached ADU

Joanne's home is 1,200 sf in size. Below the main floor of her home is a basement that she wants to turn into an ADU with two bedrooms. The basement area is the same as the upper level living space at 1,200 sf. Joanne can convert 1,000 square feet of her basement into an ADU.

Joanne's situation qualifies for an exception to the 50% size limit, but only up to 1,000 sf. The remaining 200 sf in the basement cannot be included in the ADU.

Scenario 4 - Multifamily ADUs

John owns a multifamily building with 16 apartment units. How many ADUs can he add?

Under state law, in multifamily properties John may construct ADUs totaling up to 25% of the existing units. Any existing non-habitable space, such as garages, storage rooms, boiler rooms, may be converted into attached ADUs. In addition, John may construct up to two (2) detached ADUs. However, both the attached and detached ADUs count toward the 25% maximum. So, John can create up to 4 ADUs (25% of 16), and up to two (2) may be detached.